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#4159

R  
P.O. Box 310  
15 North Main Street  
Huntington, Utah 84528

August 20, 2012

Utah Coal Regulatory Program  
Division of Oil, Gas and Mining  
1594 North Temple, Suite 1210  
Box 145801  
Salt Lake City, Utah 84114-5801

**RE: NOTICE OF INTENTION TO CONDUCT MINOR COAL EXPLORATION -  
FEDERAL COAL LEASE U-084924; PACIFICORP, ENERGY WEST MINING  
CO., EMERY COUNTY, UTAH**

PacifiCorp, by and through its wholly-owned subsidiary, Energy West Mining Company ("Energy West") as mine operator, hereby submits three (3) copies of the Notice of Intention to Conduct Minor Coal Exploration - State Coal Lease ML-48258.

The proposed holes are being drilled to provide urgently needed mine planning data for the Deer Creek Mine. Proposed startup date is on or after October 1, 2012.

The proposed drill sites are located within the current Federal Coal Lease U-084924, in Sections 1 and 12, Township 17 South, Range 6 East, Salt Lake Base and Meridian. The drilling will occur on lands in which the surface is administered by the U.S.D.A. Forest Service (USFS) and the subsurface by the Bureau of Land Management (see accompanying maps entitled Federal Coal Lease U-084924 - Coal Exploration - General Location Maps, Aerial Photos, Surface Ownership Map, Coal Ownership Map, Waterline and Pump Location Map).

The proposed holes will be on top of East Mountain. The sites are located at or above the Castlegate Sandstone. Access to these locations will be via the Cottonwood Canyon Road (FDR 040) and Mill Canyon access road (FDR 019) (see Raptor Location map).

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DIV. OF OIL, GAS & MINING

August 20, 2012

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Notice of Intent to Conduct Minor Coal Exploration - Federal Coal Lease U-084924

Page Two

Energy West has strategically selected the proposed drill hole locations to minimize environmental impacts and to maximize geologic data. Drilling will be conducted using a small truck-mounted drilling rig and accessory equipment. As outlined in the Notice of Intention, no site preparation (building roads or drill pads) will be necessary. Energy West goes to great extents to minimize environmental impacts, including selecting minimal impact drilling techniques, selecting easily reclaimable sites, protecting existing vegetation with a protective cover, selecting drill equipment that can be leveled without excavating the ground, and complete cleanup and reclamation of drill sites.

If you require any additional information please call me at (435) 687-4712.

Thank you for your assistance in this matter.

Sincerely,



Ken Fleck

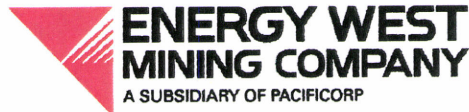
Geology and Environmental Affairs Manager

Enclosures (3 copies)

cc: Scott Child (Interwest) w/encl.

**NOTICE OF INTENTION TO CONDUCT  
MINOR COAL EXPLORATION  
FEDERAL COAL LEASE U-084924**

**August, 2012**



Energy West Mining Company  
(Mine Operator)



Interwest Mining Company  
(Managing Agent)

**DRILL PLAN FOR 2 HOLES  
ON EAST MOUNTAIN  
EMERY COUNTY, UTAH**

# NOTICE OF INTENTION TO CONDUCT MINOR COAL EXPLORATION FEDERAL COAL LEASE U-084924

August, 2012

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2012 COAL EXPLORATION -	SURFACE OWNERSHIP MAP
2012 COAL EXPLORATION -	COAL OWNERSHIP MAP
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2012 COAL EXPLORATION -	ARCHAEOLOGICAL SURVEYS CLASS I AND CLASS III, CONDUCTED BY SCOTT BILLATT, 2012, AVAILABLE FROM SCOTT BILLATT. (Refer to separate Confidential envelope)

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FEDERAL COAL LEASE U-084924**

**R645-200. Coal Exploration: Introduction.**

PacifiCorp proposes to drill a total of two (2) coal exploration holes within the federal coal lease U-084924 in the year 2012. These drill holes have the designation "EM-233" and "EM-234." For ease of reference, this plan follows the format of the applicable portions of the Utah Division of Oil, Gas, and Mining (hereinafter referred to as "the Division") rules (R645-200 through R645-203) regarding Coal Exploration.

**R645-200-100. Scope. (Minor Coal Exploration):**

- 122. Minor Coal Exploration.** PacifiCorp intends to drill up to two (2) 3" diameter core holes that will intercept 1 or more coal seams each. The exploration will occur on a designated federal coal lease (U-084924). Less than 250 tons of coal will be removed. PacifiCorp is hereby filing a Notice of Intention to Conduct Minor Coal Exploration under the requirements of R645-201-200.

**R-645-200-200. Responsibilities.**

- 210. Responsibility to Comply with Regulations.** PacifiCorp will comply with the requirements of R645-200 through R645-303.
- 220. Responsibility of the Division to Review and Reply.** The Division will receive and review this Notice of Intention to Conduct Minor Coal Exploration. The Division will review and reply within 15 days.
- 230. Responsibility of the Division to Coordinate with Other Agencies.** The Division will coordinate review of this Notice with the other appropriate government agencies (U.S.D.A. Forest Service, BLM, OSM, etc.). PacifiCorp will provide enough copies of this notice to the Division for distribution to these agencies.

**R645-201. Coal Exploration: Requirements for Exploration Approval.**

**R645-201-100. Responsibilities for Coal Exploration Plan Review.**

- 110. Coal Exploration Plan Review, Responsibility of Division.** The lands on which this exploration will be conducted, being a federal coal lease issued to PacifiCorp, are not subject to 43 CFR Parts 3480-3487. Therefore, exploration plan review will be the responsibility of the Division.

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**120. Requirements of 43 CFR 3480-3487. N.A.**

**130. Division Responsibility to Coordinate with Other Agencies.** This Notice of Intention to Conduct Minor Coal Exploration and Drilling Plan will be submitted to the Division as the lead agency for review and approval.

**R645-201-200. Notices of Intention to Conduct Minor Coal Exploration.**

**210. Division Review Requirement.** Notices of Intention to Conduct Minor Coal Exploration where 250 tons or less of coal will be removed require Division review prior to conducting exploration. PacifiCorp is submitting a complete drill permit application package with all of the appropriate regulatory agency approvals received by PacifiCorp, allowing the Division and other agencies time to review and approve the Notice before exploration activities are scheduled to begin on October 1, 2012.

**220. Required Applicant Information.** This Notice of Intention to Conduct Minor Coal Exploration is required to include the following pertinent information.

**221. Name, Address, and Telephone Number of Applicant:**

**APPLICANT:**

PacifiCorp  
North Temple Office  
1407 West North Temple Suite 301  
Salt Lake City, Utah 84116  
(801)220-4612

**OPERATOR:**

Energy West Mining Company  
15 North Main Street  
Huntington, Utah 84528  
(801)687-9821

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**222. Name, Address, and Telephone Number of the Applicant's Representatives:**

**RESPONSIBLE REPRESENTATIVE:**

Ken Fleck or Chuck Semborski  
Energy West Mining Company  
15 North Main Street  
P.O. Box 301  
Huntington, Utah 84528  
(435)687-4712  
(435)687-4720

**223. Description of Exploration Area.** Narrative and map describing the exploration area and indicating where exploration will occur:

**PROPOSED EXPLORATION AREA:**

The proposed drill holes are located within the current federal lease U-084924, in sections 1 and 12, Township 17 South, Range 6 East, Salt Lake Base and Meridian. The drilling will occur on lands in which the surface is administered by the U.S.D.A. Forest Service (USFS) and the subsurface by the B.L.M. (see accompanying maps entitled Coal Exploration - General Location Maps, Aerial Photos, Surface Ownership Map, Coal Ownership Map, Raptor Locations, Helicopter Flight Paths and Staging Area Map, Waterline and Pump Location Map).

The proposed holes will be drilled on East Mountain. The sites will be located at or above the Castlegate Sandstone. Access to this location will be by road from Cottonwood Canyon via the Mill Canyon Road.

# **NOTICE OF INTENT TO CONDUCT MINOR COAL EXPLORATION FEDERAL COAL LEASE U-084924**

Table 1. East Mountain Coal Lease U-084924 Proposed Drilling for 2012:

WELL NUMBER	LOCATION	ELEVATION (feet)	DEPTH (feet)	STATUS	LEASE
EM-233	1,800' West, 800' North from the SE corner of Section 1, T.17S., R. 6 E.	9,980'	2,200'	USFS	Federal Coal Lease U-084924
EM-234	2,700' East, 900' South from the NW corner of Section 12, T. 17S., R. 6 E.	9,940'	2,200'	USFS	Federal Coal Lease U-084924

## **224. Period of Intended Exploration:**

### **PROJECT STARTUP DATE:**

**EM-233 and EM-234**

**October 1, 2012**

### **PROJECT COMPLETION DATE:**

**October 31, 2012**

(If PacifiCorp is unable to complete the number of holes proposed for any reason in 2012 , future drilling of the approved sites will adhere to the protection measures for raptors detailed in R645-200-230, future raptor surveys and consultation with USFS, USFWS and DOGM).

It is anticipated that all drilling and reclamation activities associated with this project will be completed within 60 days following the date of implementation.

## **225. Method of Exploration.** Method of exploration to be used, amount of coal to be removed, and practices to be used to protect the area from adverse impacts and reclaim the area in accordance with R645-202.

### Pre-Work Meeting:

A pre-work meeting including the responsible company representatives, contractors, Bureau of Land Management, and the Forest Service will be conducted if required prior to commencement of operations.

### EM-233 and EM-234:

The method of exploration to be used for EM-233 and EM-234 is road access drilling, in which the primary mode of transportation for drilling equipment and



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personnel will be by road. All drills, drilling equipment, and personnel will be transported to the individual drilling sites by road.

Drill Methods & Procedures: The three inch maximum diameter hole will be core or rotary drilled the entire length to the approximate depth stated previously in the drill hole location and depth table. Drilling depth will be sufficient to accomplish penetration through both the Blind Canyon and Hiawatha coal seams, and to enter the Star Point Sandstone. The drilling will be done by a drilling contractor(s) experienced in drilling methods for this area. The drill used will be a small diesel powered rotary drill rig mounted on a skid or a 6x6 truck. Drilling will utilize water and, as necessary, a biodegradable polymer drilling "mud" such as M-I Swaco Poly-Plus (MSDS included in this report).

The following support equipment will be required:

- 3 pickup trucks
- 1 Flatbed trailer for mobilization/de-mobilization of the drill rig and drill pipe.

The drill rig components and associated materials, tools and equipment will be transported by truck. Site preparation will include removal of dead-fall and brush as necessary. Minor digging, using hand tools, may be necessary at some locations to achieve effective placement of the leveling support materials (wood blocks, etc.). Brattice or other similar material will be placed on the ground beneath the drill rig.

Drill Hole Access and Pad Construction:

No access road or pad construction will be necessary for the proposed project. Drilling equipment and materials will be transported to the drill sites using existing roads. Personnel will access the site by vehicle via existing roads and on foot. The drill sites are is relatively level (5 percent or less slope); therefore, minimal site preparation will be necessary. Vegetation, in the form of trees, grasses, forbs and sparse, low shrubs, will not be removed. However, it may be necessary to remove dead-fall and some "taller" shrubs (mahogany, etc.)/aspen trees for safety reasons. This will be minimized and accomplished using hand tools. The dead-fall will be replaced upon completion of drilling. An area no larger than approximately 40' by 40' will be occupied at the drill site. Leveling of drilling equipment will be accomplished using hand tools and supports (wood

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blocks, etc.). All materials, tools and equipment will be removed immediately upon completion of drilling and reclamation activities.

A 1" diameter high-pressure hose will be laid overland from the pump stations to each drill site. This will be accomplished by hand and/or truck. No clearing of vegetation will be necessary for placement of the water hose. Existing openings among the trees will be utilized for water line placement. No vegetation clearing will occur at the water tank/pump sites. Drilling activities will be confined to the existing roads on East Mountain. The necessary road use permit has been obtained from the U.S. Forest Service for activities associated with the respective roads.

Amount of Coal to be Removed: As previously discussed, a 3" maximum diameter hole will be core or rotary drilled for the entire depth of the hole. The hole will penetrate through both the Blind Canyon and Hiawatha coal seams if possible. The core and/or cuttings will be examined to determine coal seam characteristics. This will result in approximately a maximum of 20 pounds of coal being removed per hole, with a total of about 20 pounds removed for study and analysis.

Practices to Protect from Adverse Impacts and to Reclaim the Area: During drilling, water and drilling fluids will be recirculated to the extent possible. Any returned cuttings and other materials will be captured in a container at the drill site. The cuttings will be transported from the drill site to the staging area by truck to the Deer Creek or Cottonwood Waste Rock sites for disposal. Containment of possible fluid spills will be achieved through the use of brattice ground cover, silt fence, and if necessary, earthen berms. If spills occur, all affected materials will be removed from the site and disposed of at an approved location. If soil is removed during spill containment and clean-up, the site of removal will be recontoured and seeded with the approved seed mixture.

Fire Suppression Equipment:

All gasoline and diesel powered equipment will be equipped with effective mufflers or spark arresters which meet applicable Forest Service specifications. Fire suppression equipment will be available to all personnel working at the project site. Equipment will include at least one hand tool per crew member consisting of shovels and pulaskis and one properly rated fire extinguisher per vehicle and/or combustion engine.

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Fuel and/or lubricating oil containers not stored in a truck will be placed on brattice cloth or other acceptable ground cover at a site located away from drainage channels and surrounded by brattice, earthen berm or other acceptable containment structure. If spills occur, clean-up will be conducted as stated above.

Access by personnel associated with the drilling project will be via vehicle using existing roads to the drill sites. Therefore, no additional access facilities will be constructed.

Following completion of drilling and cementing of the hole, the drill rig and all associated equipment and materials will be removed and transported from the area by road. The water hose, tanks and pumping station and all associated materials and equipment will be removed. All trash and extraneous materials will be removed from the drill area and disposed of at an approved location. The sites will be reclaimed by: 1) Removing all trash, cuttings, and contaminated soil. 2) Recontouring site to original contour, and 3) Re-seeding with the approved seed mix.

**R645-202. Coal Exploration: Compliance Duties.**

**R645-202-100. Required Documents.**

“Each person who conducts coal exploration which substantially disturbs the natural land surface will, while in the exploration area, have available a copy of the Notice of Intention to Conduct Minor Coal Exploration...for review by an authorized representative of the Division upon request.”

**Road Use Permits:**

The Forest Service will be notified 48 hours in advance that heavy equipment will be moved onto National Forest System lands and that surface disturbing activities will commence.

Cottonwood Canyon Road (U.S. Forest Development Road #FDR 040) and Mill Canyon Road (U.S. Forest Development Road #FDR 019): Prior to drilling, Energy West has obtained a road use permit from the U.S. Forest Service for drilling on East Mountain.

**Special Use Permit:**

This proposed drill location is located on a federal lease within the existing permit area of the Deer Creek Mine. A U.S. Forest Service Special-Use Permit is not required.

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**Archeological Information:**

The proposed locations on East Mountain are located on the west flank of East Mountain. Using portable drilling equipment will eliminate the need for any surface excavations. As required by the U.S.D.A. Forest Service, PacifiCorp has contracted archaeologist Scott Billat to conduct a Class I file search as well as a Class III pedestrian survey of the proposed 2012 drilling activities. Based on the drill site visit of Mr. Billat, no known archaeological sites are situated at either of the proposed drill locations. Findings of the file search and field review have been transmitted to the Forest Service by Scott Billatt. In addition, a copy of the report stamped "confidential" is included with this Notice of Intent.

In the unlikely event that cultural or paleontological resources are discovered during operations, all operations which may result in disturbance to the resources will cease and the Forest Service will be notified as soon as possible of the discovery.

PacifiCorp will make sufficient copies of all coal exploration permit documents, including this Notice of Intent, the Forest Service drilling stipulations, and all applicable road use, special use, and other permit documents at the drill site, and in each field vehicle used during the exploration program, for the duration of the program.

**R645-202-200. Performance Standards.**

- 210. Requirements of the State Program.** All coal exploration and reclamation operations which substantially disturb the natural land surface will be conducted in accordance with the coal exploration requirements of the State Program, and any conditions on approval for exploration and reclamation imposed by the Division.

PacifiCorp will comply with all coal exploration requirements of the State Program, and any conditions on approval of the exploration plan.

- 220. Inspection and Enforcement.** Any person who conducts any coal exploration in violation of the State Program will be subject to the provisions of 40-10-20 of the Act and the applicable inspection and enforcement provisions of the R645 Rules.

PacifiCorp will comply with all coal exploration requirements of the State Program, and any conditions on approval of the exploration plan. PacifiCorp welcomes inspection of its exploration operations at any time during exploration.

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**230. Operational Standards.**

- 231. Non-Disturbance of Habitats.** Habitats of unique or unusually high value for fish, wildlife, and other related environmental values and critical habitats of endangered or threatened species identified pursuant to the Endangered Species Act of 1973 (16 U.S.C. 1531 et. seq.) will not be disturbed during coal exploration. A copy of the Threatened and Endangered Species list created by the Utah Division of Wildlife Resources (January, 2012) is included as an appendix to this Notice.

The vegetation in the drill area (refer to Deer Creek MRP, Volume 2, Biology chapter, pages 3-1 through 3-5 and also Volume 4, Map 2-14 CE-10488-DR (Vegetation Map)) consists of Sagebrush community on the top of East Mountain. The primary land uses associated with the area are wildlife habitat, livestock grazing and recreation. The area is presently classified for the following wildlife uses by the Utah Division of Wildlife Resources (DWR):

Mule Deer	High Priority Summer Range
Elk	High Priority Summer Range

The proposed drilling is not expected to have a detrimental impact on any of these species, their habitat or other land uses associated with the area.

Surveys for Threatened, Endangered and Sensitive (TES) plant and animal species have been conducted in connection with various projects in this area and the Mill Fork coal leasing process (refer to Deer Creek MRP, Volume 12, Biology chapter for all information concerning TES species within the Mill Fork Lease area). Results of these surveys have been provided to the various regulatory agencies in the applications for the projects. No TES plants and animals have been found in the area of the proposed drill holes.

Energy West, in cooperation with the Division of Wildlife Resources, conducts annual raptor surveys in and adjacent to mine permit boundaries, including the federal lease U-84924 (PacifiCorp will submit raptor status from the May, 2012 raptor surveys in a separate envelope (stamped confidential) entitled Raptor Location and Status - 2012 Survey Data).



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Raptor activity in the Cottonwood Canyon area was evaluated during May 2012. Based on the 2012 survey, the proposed 2012 drill sites located on East Mountain are outside ½ mile protective buffer zones of any known nests. The nearest nests are about 1 mile away from the drill sites, and were inactive in 2012.

PacifiCorp proposes to commence drilling operations on October 1, 2012 for both sites. As there are no active nests within ½ miles of either drill site, no special measures are needed to reduce potential raptor impacts.

In recent years the surface management agency (Forest Service) has expressed concern related to potential impacts to the Northern Goshawk (management indicator specie for the Manti -La Sal National Forest). As stated in the: State of Utah School and Institutional Trust Lands Administration (SITLA) Access Road on East Mountain Final Environmental Impact Statement prepared by the Forest Service (page 76), *Goshawk nest sites are usually located in dense, mature forests with relatively large trees, near water, and on benches of relatively little slope. On page 78 the Final Environmental Impact Statement states that, "In order to reduce potential direct impacts to the goshawk, known goshawk territories will be monitored prior to implementation of project activity. If a territory is active, no project related activity would occur within a 30-acre buffer around the active nest between March 1 and September 30. In addition, no construction, drilling activity or commercial traffic will be allowed within 0.5 mile of an active goshawk nest between March 1 and August 15, unless a Forest Service biologist determines that the activity would not likely lead to nest abandonment or reduce survival potential for fledglings.*

In past drilling activities associated with the Mill Fork lease, Forest Service biologists have identified three goshawk territories. Proposed drilling activities for 2012 have been situated to eliminate potential impacts to the goshawk territories.

- 232. Road Construction and Use.** All roads or other transportation facilities used for coal exploration will comply with the applicable provisions of R645-301-358...R645-301-762.

PacifiCorp will use only existing roads for this project. No new roads will be constructed.

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- 233. Topsoil Removal and Storage.** If required for drill setup, topsoil will be separately removed, stored, and redistributed on areas disturbed by coal exploration activities as necessary to assure successful revegetation or as required by the Division.

The method of drilling used by PacifiCorp for these holes assures that topsoil is not disturbed except where small excavations are made necessary for leveling the rig and associated components. Brattice cloth ground cover is used under the rig to protect the topsoil and surface vegetation; therefore the topsoil is not disturbed.

- 234. Diversions of Overland Flows.** Diversions of overland flows and ephemeral, perennial, or intermittent streams will be made in accordance with R-645-301-742.3.

PacifiCorp will obtain the necessary permissions and water rights actions to take water for drilling from local drainages in the vicinity of the proposed drill holes. Water for the East Mountain drill holes will be pumped/gravity fed directly from the nearby springs and/or un-named drainages located near the drill holes. No disturbance is made to the stream course.

The amount of water required for the project is estimated at 40,000 gallons per hole. Therefore, the maximum total quantity of water to be used is estimated at approximately 80,000 gallons (0.24 acre feet). A *Temporary Exchange Application* for PacifiCorp water rights in Cottonwood Canyon has been filed and approved by the State of Utah, Division of Water Rights prior to commencement of operations, and is included as an appendix to this Notice.

- 235. Minimizing Disturbance to Hydrologic Balance.** Coal exploration will be conducted in a manner which minimizes disturbance to the prevailing hydrologic balance in accordance with R645-301-356.300 and R645-301-763. The Division may specify additional measures which will be adopted by any person engaged in coal exploration.

During exploration, surface disturbance will consist only that which is necessary to level the rig and associated structures. No drill pad will be constructed, so there will be no additional runoff during precipitation events. No impoundments

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to contain runoff will be necessary. Overall impact on the hydrologic balance will be minimal, if any.

- 236. Acid- or Toxic Forming Materials.** Acid- or toxic-forming materials will be handled and disposed of in accordance with R645-301-731.110, 731.300, and 553.260.

Past drilling experience on East Mountain has shown that no acid- or toxic-materials have ever been produced, or are likely to be produced in future drilling. MSDS sheets for drill fluid concentrates to be used are attached to this application.

- 240. Reclamation Standards.**

- 241. Excavations.** If excavations, artificially flat areas, or embankments are created during exploration, these areas will be returned to the approximate original contour promptly after such features are needed for coal exploration.

The only excavations that will be made will be small shovel cuts made for leveling the rig and associated equipment. These will be promptly filled in to original contour as soon as the drilling equipment is removed from each site.

- 242. Re-Vegetation.** All areas disturbed by coal exploration activities will be revegetated in a manner that encourages prompt revegetation and recovery of a diverse, effective, and permanent vegetative cover. Revegetation will be accomplished in accordance with the following :

- 242.1 Re-Seeding.** All areas disturbed by coal exploration activities will be seeded or planted to the same seasonal variety native to the areas disturbed. If the land use of the exploration area is intensive agriculture, planting of the crops normally grown will meet the requirements of R645-202-242.100.

All drilling areas will be promptly re-seeded upon completion of each hole, removal of equipment, and recontouring of the site, if

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necessary, with a seed mix approved by the surface management agency and the Division.

The following is the seed mix specified from previous years approved drilling permits, and will be used unless changes are indicated by the agencies.

<u>Species</u>	<u>lbs/acre (PLS)</u>
<b>Basic Mix</b>	
Columbia needle grass - <i>Stipa columbiana</i>	4.5
Slender wheatgrass - <i>Elymus trachycaulus</i>	4.5
Sandbergs bluegrass - <i>Poa secunda</i>	0.75
Pacific aster - <i>Aster chilensis</i>	0.2
<b>Supplement*</b>	
Sulfur flower - <i>Eriogonun umbellatum</i>	2.0
Rocky Mountain penstemon - <i>Penstemon strictus</i>	0.75

\* Seed should be purchased in individual seed packets, not as mixture.

The seed mixture will be hand broadcast and the area will be hand raked following seeding to cover the seed. Following seeding, any dead-fall that was removed from the drill site will be replaced.

**242.2 Soil Surface Stability.** The vegetative cover will be capable of stabilizing the soil surface from erosion.

Since the soil and vegetative cover will not be removed, and the vegetation will spring back up as soon as the drilling equipment is removed, this requirement will be met.

No crops are raised in the project area. Crop replacement will not be necessary.

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- 243. Reclamation of Boreholes.** Each exploration hole, borehole, well, or other exposed opening created during exploration will be reclaimed in accordance with R645-301-529, R645-301-551, R645-301-631, R645-301-738, and R645-301-765.

No mine openings or exploration openings will be created, therefore R645-301-529 and R645-301-551 do not apply in this case. None of these holes will be turned into water monitoring wells, due to the lack of measurable groundwater in the area and the remote locations of the holes. Therefore, R645-301-738 and R645-301-765 do not apply.

Groundwater is not anticipated to be encountered; therefore, the proposed holes will not be retained as water monitoring wells. However, if groundwater is present, it will be reported to the appropriate agencies (SITLA, USFS, DOGM) and a determination will be made regarding the transfer and possible modification of the drill hole to a monitoring well.

Upon completion of down-hole procedures, the drill hole will be completely sealed with cement and bentonite from the bottom of the hole to ground level. The cement slurry mixture used to plug and seal the hole will be mixed in compliance with standard cement mixing tables (e.g. Halliburton). Enough cement will be mixed and pumped into the hole to completely seal the coal horizon. The remainder of the hole will be filled with a bentonite slurry to within 5' of the surface and a cement surface plug will fill the top 5'. A brass monument marker will be placed in the top of the cement surface plug with the hole number and year. The Bureau of Land Management Price Field Office will be contacted prior to completion to verify the abandonment procedures. Any variance from this procedure will be approved in advance by SITLA, BLM, and DOGM.

- 244. Removal of Equipment.** All facilities and equipment will be promptly removed from the exploration area when they are no longer needed for exploration, except for those facilities and equipment that the Division determines may remain to:

244.1 Provide additional environmental data;



**NOTICE OF INTENT TO CONDUCT  
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244.2 Reduce or control the on-site and off-site effects of the exploration activities;

244.3 Facilitate future coal mining and reclamation operations by the person conducting the exploration.

When the drill rig setup is no longer needed for the project, the complete assemblage of equipment will be removed immediately from the area to facilitate reclamation work and free this equipment for use elsewhere by the contractor.

PacifiCorp does not anticipate needing this equipment for any further use in the exploration area.

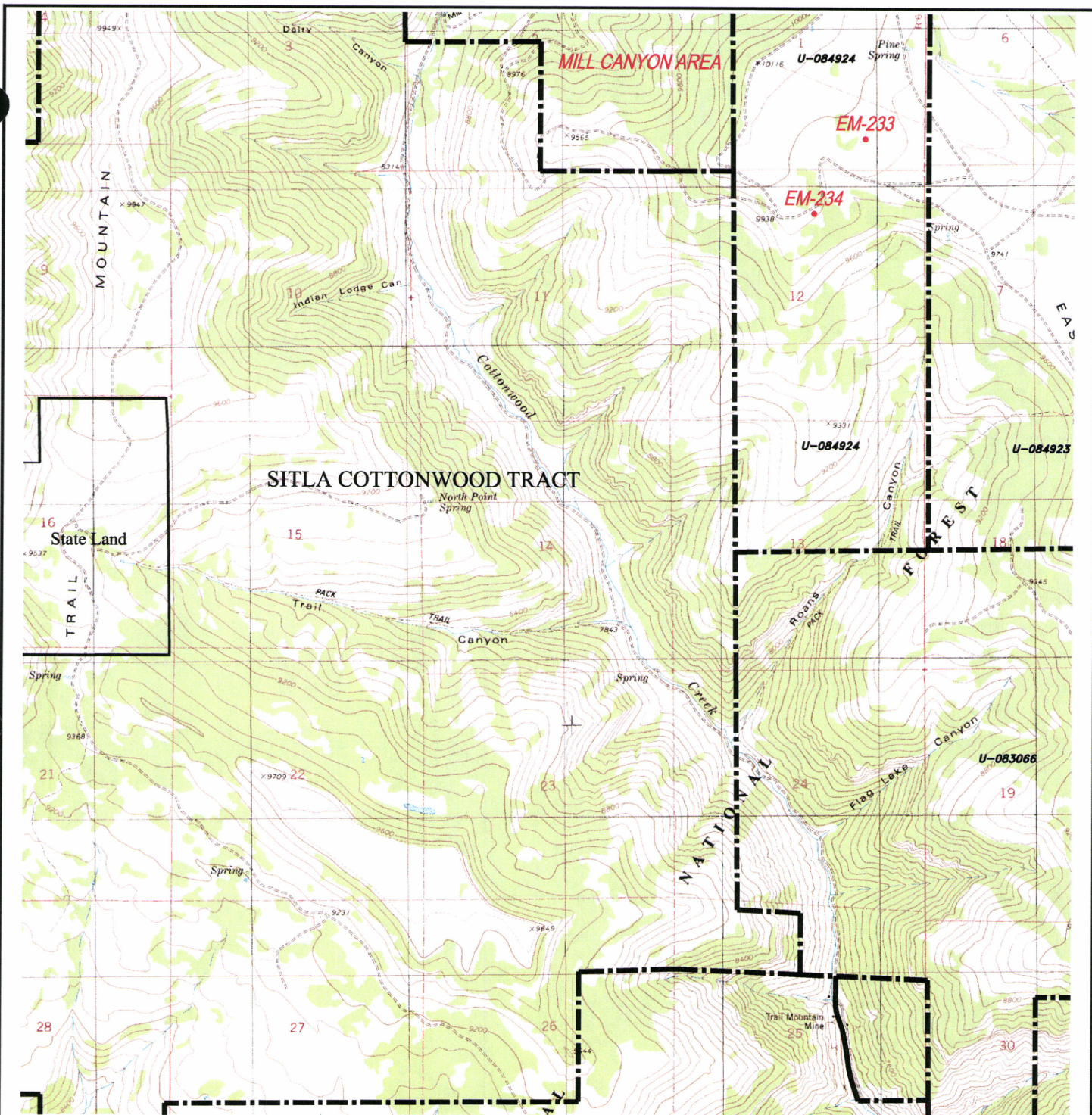
**R645-203. Coal Exploration: Public Availability of Information.**

**R645-203-100. Public Records.**

Except as provided in R645-203-200, all information submitted to the Division under R645-200 will be made available for public inspection and copying at the Division.

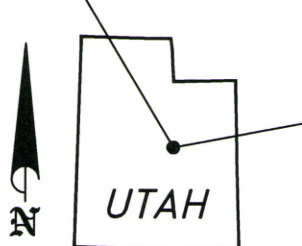
**NOTICE OF INTENT TO CONDUCT  
MINOR COAL EXPLORATION  
FEDERAL COAL LEASE U-084924**

**MAPS**



CAD FILE NAME/DISK#: MF-2011-DRILLING-BASE-MAP.DWG

**EM-233** Proposed 2012 Drill Hole



Modified from  
Rilda Quadrangle  
7.5 Minute Series



**ENERGY WEST  
MINING COMPANY**  
A SUBSIDIARY OF PACIFICORP

2012 COAL EXPLORATION  
UTAH STATE COAL LEASE U-084924  
GENERAL LOCATION MAP

DRAWN BY: K. LARSEN

SCALE: 1"=3000'

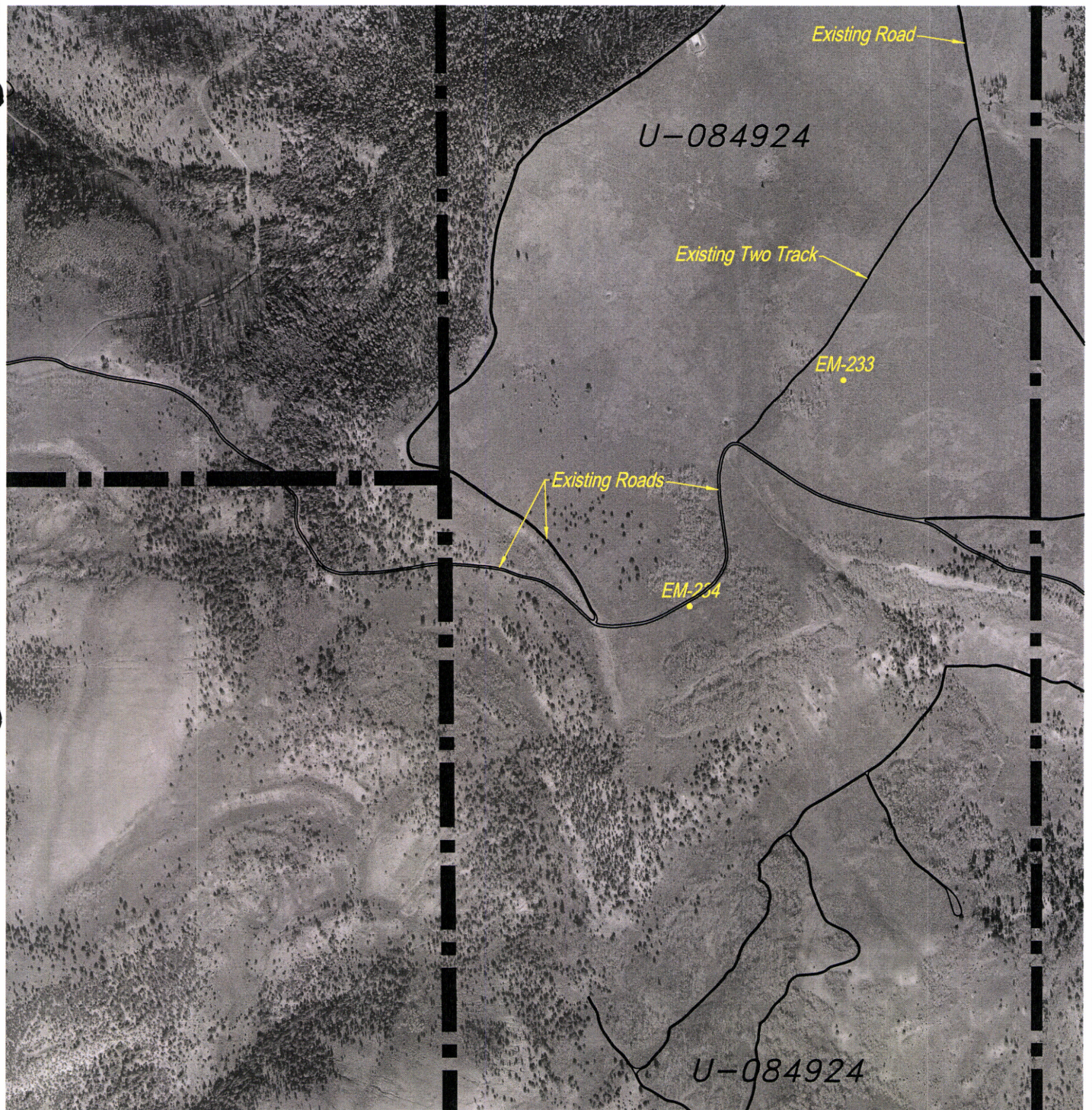
DATE: AUGUST 10, 2012

DRAWING #:

SHEET 1 OF 1

REV.





CAD FILE NAME/DISK#: MF-2011-DRILLING-BASE-MAP.DWG



**ENERGY WEST  
MINING COMPANY**  
A SUBSIDIARY OF PACIFICORP

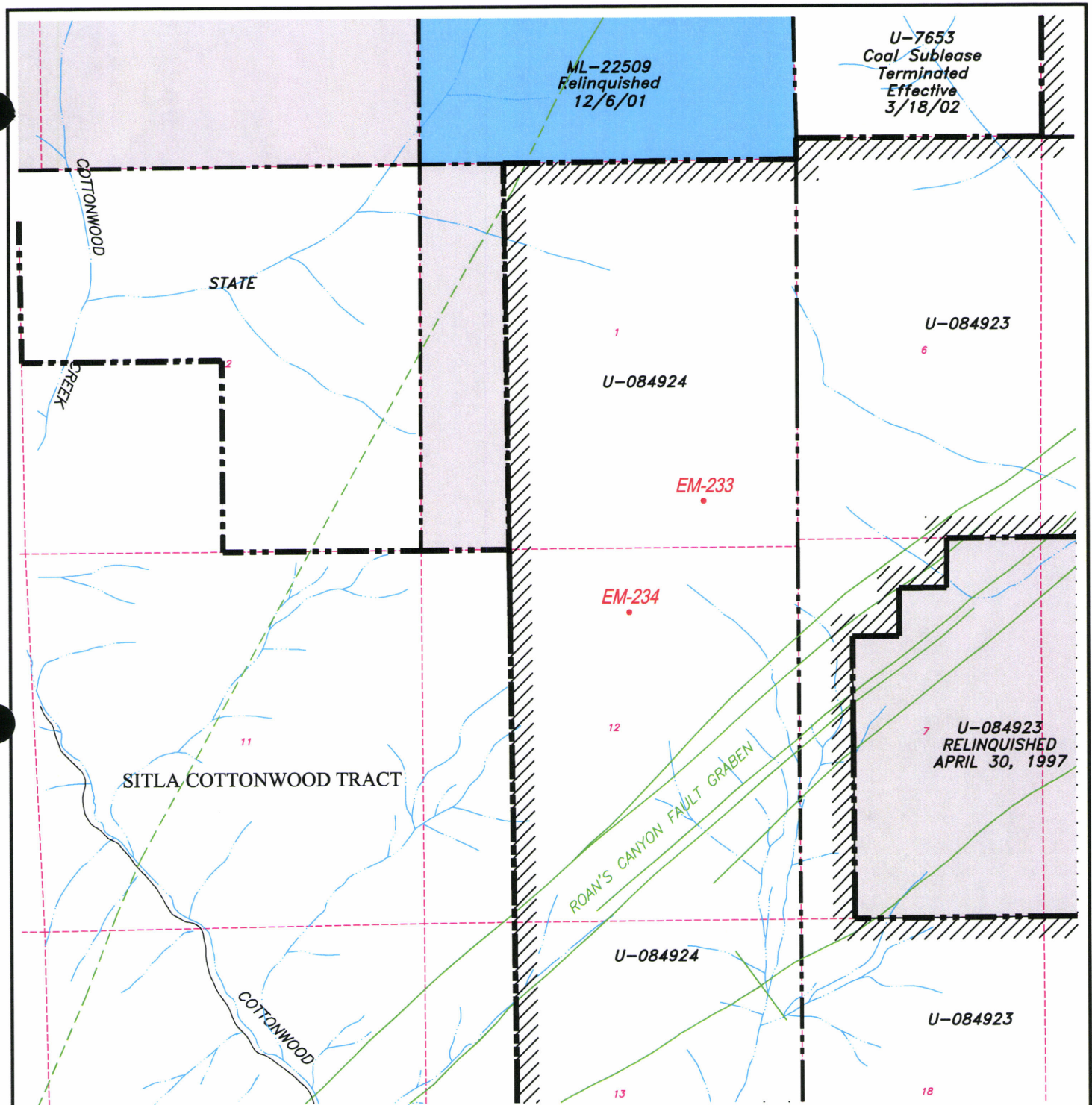
*2012 COAL EXPLORATION  
UTAH STATE COAL LEASE U-084924  
MILL CANYON AREA AERIAL PHOTO*

DRAWN BY:	K. LARSEN	.....	
SCALE:	1"=1000'	DRAWING #:	
DATE:	AUGUST 9, 2012	SHEET 1 OF 1	REV. ____





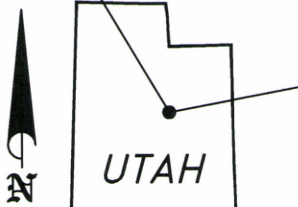





CAD FILE NAME/DISK#: MF-2011-DRILLING-BASE-MAP.DWG

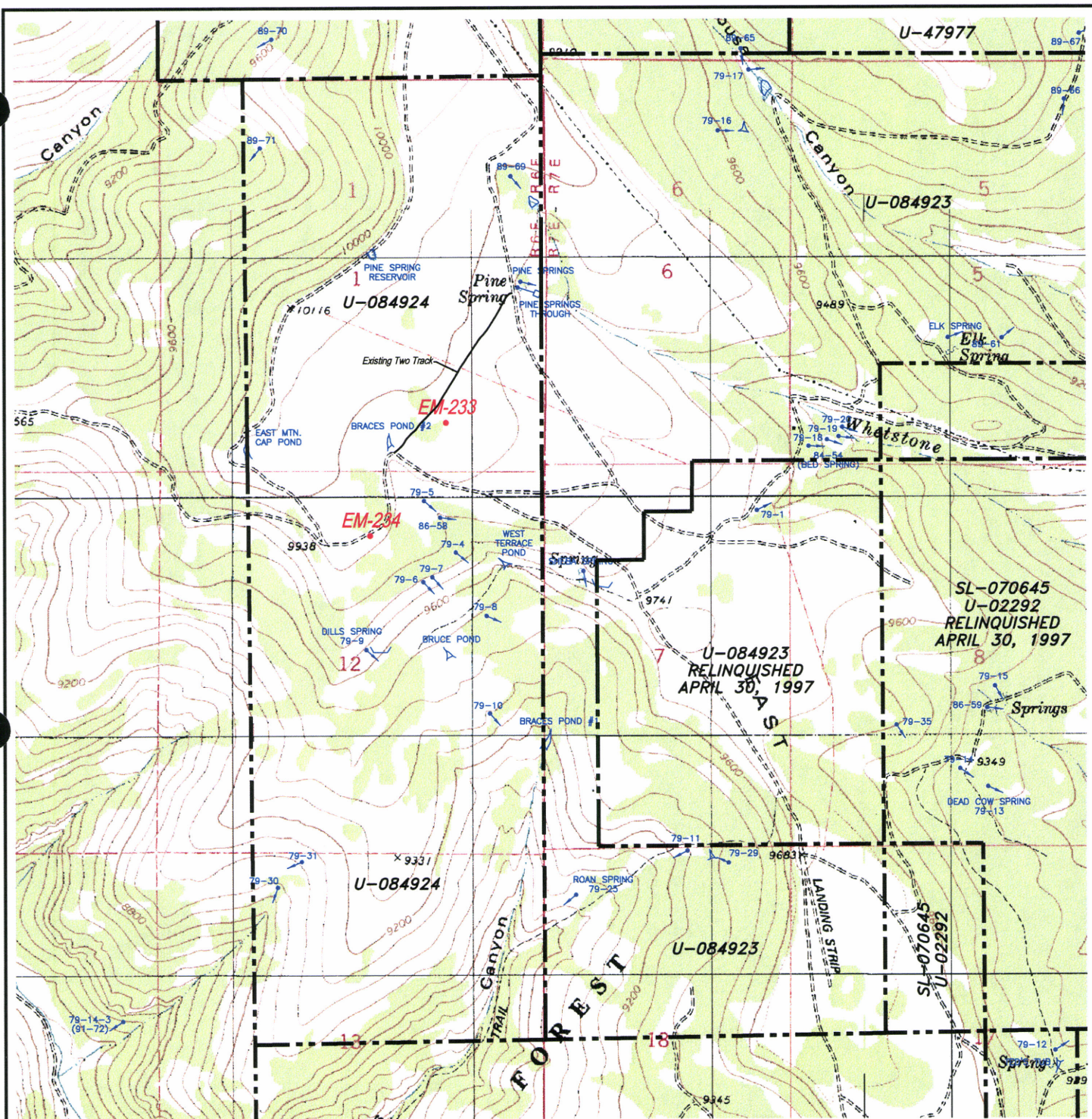
**EM-233** Proposed 2012 Drill Hole

**UNLEASED FEDERAL COAL**



 <b>ENERGY WEST MINING COMPANY</b> A SUBSIDIARY OF PACIFICORP	
<b>2012 COAL EXPLORATION</b> <b>UTAH STATE COAL LEASE U-084924</b> <b>COAL OWNERSHIP</b>	
DRAWN BY:	K. LARSEN
SCALE:	1" = 2000'
DATE:	AUGUST 9, 2012
DRAWING #:	....
SHEET	1 OF 1
REV.	___





CAD FILE NAME/DISK#: MF-2011-DRILLING-BASE-MAP.DWG

**EM-233** Proposed 2012 Drill Hole



THE PRIMARY WATER SOURCE  
FOR DRILLING WILL BE THE  
ADJACENT STREAMS/SPRINGS  
PUMPED TO THE DRILL SITES



**ENERGY WEST  
MINING COMPANY**  
A SUBSIDIARY OF PACIFICORP

2012 COAL EXPLORATION  
UTAH STATE COAL LEASE U-084924  
WATER RESOURCE MAP

DRAWN BY:	K. LARSEN	DRAWING #:	....
SCALE:	1" = 2000'	SHEET	1 OF 1
DATE:	AUGUST 9, 2012	REV.	...

**NOTICE OF INTENT TO CONDUCT  
MINOR COAL EXPLORATION  
FEDERAL COAL LEASE U-084924**

**APPENDIX 1  
CONCURRENCE FROM FOREST SERVICE  
(PENDING)**

*August, 2012*

*PacifiCorp*

**NOTICE OF INTENT TO CONDUCT  
MINOR COAL EXPLORATION  
FEDERAL COAL LEASE U-084924**

**APPENDIX 2  
FOREST SERVICE ROAD USE PERMIT**

*August, 2012*

*PacifiCorp*



**U.S. DEPARTMENT OF AGRICULTURE  
FOREST SERVICE**

**ROAD USE PERMIT  
#0410-02-69  
AUTHORITY:**

**Section 4 and Section 6 of the National Forest Roads and Trails Act  
16 U.S.C. 535 and 537**

Scott Child  
Manager, Land and Regulatory Affairs  
801 220-4612

PacifiCorp  
c/o Interwest Mining Company  
1407 West North Temple, Suite 310  
Salt Lake City, UT 84116

(the holder), is hereby granted use of the following roads or road segments and related transportation facilities (hereinafter "roads") on the Ferron District Ranger, Manti-LaSal National Forest, for commercial hauling, subject to the terms and conditions of this permit:

- NFSR # 50040 (Cottonwood) Mine Site at MP 3.13 (T17S, R6E Section 25) to Millers Flat (NFSR #50014, T16S, R6E, Section 18), a distance of approximately 9.2 miles,
- NFSR # 50034 (Trail Mountain) - from intersection NFSR # 50040 (Cottonwood) to intersection NFSR # 52180 at MP 6.9, a distance of approximately 6.9 miles (excludes road segment in State land)
- NFSR # 52302 (known as North Point Spring) from State land Bndry to end termini at MP 2.1 a distance of approximately 1.6 miles
- NFSR # 50014 (Millers Flat) from Bndry of Other Federal Land (MP 1.9) to intersection NFSR # 50040 (Cottonwood), a distance of approximately 5.8 miles
- NFSR # 50145 (Flat Canyon) - from intersection NFSR # 50040 (Cottonwood) at MP 7.1 to MP 4.4, a distance of approximately 4.4 miles
- NFSR # 52180 (un-named) - from intersection NFSR # 50034 (Trail Mountain) to MP 0.9, a distance of approximately 0.9 miles
- NFSR # 52303 (un-named) - from intersection NFSR # 50060 (East Mountain) to MP 1.8, a distance of approximately 1.8 miles
- NFSR # 53188 (un-named) - from Bndry State land to intersection NFSR # 50060 (East Mountain) to MP 1.5, a distance of approximately 1.5 miles
- NFSR # 50060 (East Mountain) - from Bndry State land to intersection NFSR # 52303 (un-named) to MP , a distance of approximately 2.6 miles
- NFSR # 50245 (Mill Fork Canton) - from State Route 31 to end termini, a distance of approximately 2.0 miles

for the purpose of coal exploration work including helicopter assisted coal exploration work on the Cottonwood Coal Tract within the National Forest.

Total permitted miles on National Forest System Roads: 36.7. Includes 19.8 miles of aggregate surfaced road.

Holder shall submit payment for commensurate share of deferred and recurring maintenance as prescribed below and shall perform recurring maintenance as prescribed below.

## **APPENDICES**

- A – Annual Operating Plan
- B – Commensurate Share Calculation
- C – Maintenance Requirements

## **TERMS AND CONDITIONS**

### **I. GENERAL TERMS**

**A. AUTHORITY.** This permit is issued pursuant to the National Forest Roads and Trails Act, 16 U.S.C. 535 and 537 and 36 CFR Part 212, Subpart A, as amended, and is subject to their provisions.

**B. RESPONSIBLE OFFICIAL.** The responsible official is the Ferron/Price District Ranger, 115 West Canyon Road, P.O. Box 310, Ferron Utah, 84523, telephone no. 435-384-2372 or a subordinate officer with delegated authority.

**C. TERM.** This permit shall expire at midnight on October 1, 2016. Expiration of this permit shall not require notice, a decision document, or any environmental analysis or other documentation.

**D. RENEWAL.** This permit is not renewable. Prior to expiration of this permit, the holder may apply for a new permit that would renew the use authorized by this permit. Renewal of the use shall be at the sole discretion of the responsible official.

**E. AMENDMENT.** This permit may be amended in whole or in part by the Forest Service when, at the discretion of the responsible official, this action is deemed necessary or desirable to incorporate new terms that may be required by law, regulation, directive, the applicable land management plan, or projects and activities implementing a land management plan pursuant to 36 CFR part 215.

**F. COMPLIANCE WITH LAWS, REGULATIONS, AND OTHER LEGAL REQUIREMENTS.** In exercising the rights and privileges granted by this permit, the holder shall comply with all present and future federal laws and regulations and all present and future state, county, and municipal laws, regulations, and other legal requirements, including state traffic laws, that apply to the permit area, to the extent they do not conflict with federal law, regulation, or policy. The Forest Service assumes no responsibility for enforcing laws, regulations, and other legal requirements that fall under the jurisdiction of other governmental entities.

**G. NON-EXCLUSIVE USE.** The use authorized by this permit is not exclusive. The Forest Service reserves the right to use the roads authorized by this permit and to allow others to use them at any time. The holder shall use the roads authorized by this permit in a manner that will not unreasonably or unnecessarily interfere with their use by others, including the Forest Service. Except for any restrictions that the holder and the Forest Service agree are necessary to protect public safety and road investments, the roads authorized by this permit shall remain open to the public for all lawful purposes.

**H. ASSIGNABILITY.** This permit is not assignable or transferable.

### **II. OPERATIONS**

**A. ANNUAL OPERATING PLAN.** The holder shall prepare and annually revise by May 1 an operating plan. The annual operating plan shall be prepared in consultation with the responsible official or the responsible official's designated representative and shall cover all operations authorized by this permit. At a minimum, the annual operating plan shall specify the date the use authorized by this permit will commence, the duration and extent of the use, the products that will be hauled, a traffic control plan per clause II.D, the names of the holder's employees, contractors, and subcontractors who will use the roads authorized by this permit on behalf of the holder, and any other information regarding the authorized use deemed necessary by the responsible official. The annual operating plan shall be submitted by the holder and approved by the responsible official or the responsible official's

designated representative prior to commencement of commercial hauling under this permit and shall be attached to this permit as Appendix A. If there is any material change in the information contained in the annual operating plan, the holder shall notify the responsible official promptly in writing of the change.

**B. HOLDER'S REPRESENTATIVE.** The holder shall designate a representative for purposes of administration of this permit and shall notify the responsible official in writing who the holder's representative will be.

**C. USE RECORDS.** Annually, during periods the holder is conducting commercial hauling on the roads covered by this permit, the holder shall provide scale or other records acceptable to the responsible official that document the quantity hauled, calculated in the unit of measure (e.g., thousands of board feet, tons, cubic yards, or vehicle units) used to determine payments in lieu of performance under clause III.D or the holder's investment share under section V.

**D. PUBLIC SAFETY.** When the holder is engaged in commercial hauling adjacent to or on National Forest System roads or National Forest System trails open to public travel, the holder shall provide users with adequate warning of hazardous conditions associated with the holder's operations. A traffic control plan for each commercial hauling project shall be approved by the responsible official in writing before commercial hauling commences. Warning devices shall be appropriate for current conditions and shall be covered or removed when not needed. Flags and other warning devices shall comply with the Manual on Uniform Traffic Control Devices for Streets and Highways (MUTCD) and any specifications attached to this permit.

**E. TRAFFIC RULES AND USE RESTRICTIONS**

1. The holder and its agents, employees, and contractors shall comply with all traffic rules and use restrictions imposed by the Forest Service, including:

a. Road closures or use restrictions prompted by weather conditions, a fire hazard, or road construction or maintenance.

b. Traffic rules for safe and effective use of roads.

c. Regulation of the number of vehicles using a road to prevent traffic congestion.

2. Unless specified in this permit or approved in writing by the responsible official, use of motor vehicles by the holder or its agents, employees, or contractors must be in accordance with the applicable motor vehicle use map (36 CFR 261.13).

3. Temporary traffic control signs, flagging, and warning devices for road construction, operation, or maintenance conducted under this permit shall comply with Part 6 of the MUTCD.

4. The holder shall not conduct loading operations on permitted roads without advance notification and written approval of the responsible official.

5. The holder shall not operate vehicles or equipment with cleats or other tracks that will injure the road surface.

6. Heavy equipment shall not be moved on Forest System Roads on the following days:

Memorial Day Weekend, 4th of July Weekend, 24th of July Weekend, Labor Day Weekend, Columbus Day Weekend, opening weekends of general deer and elk hunts; "Weekend" includes Friday. If the holiday is on Tuesday, weekend restriction extends to include Monday and Tuesday. If the holiday is on Thursday the holiday weekend restriction extends to include Thursday and Friday. If the holiday is on Wednesday, the weekend hauling restriction extends from the preceding Tuesday at 12 noon to Monday following the Holiday Weekend.

If a water truck is required during these periods, it must be preceded by a pilot vehicle when hauling water on the permitted roads.

7. Permitted use is restricted to normal dry season July 1 to October 1. If permitted use is necessary beyond October 1, use shall be restricted to the road surface being in a dry or frozen condition. Graveling segments of the road surface may be required subject to permittee's use during specific road surface conditions.

8. All vehicles and materials shall be washed free of noxious weed and/or noxious weed seed before accessing permitted roads. Material and substance used in, or transported on permitted roads shall be certified weed free.

**F. REQUIREMENT TO CARRY A COPY OF THE PERMIT.** Drivers of all vehicles operating under this permit shall have a copy of the first sheet of this permit in their vehicle. The copy will be presented, on request, to any Forest Service officer.

**G. LOAD MARKING.** Unless otherwise approved in writing by the responsible official, when hauling wood products under authority of this permit, a 6" minimum size red letter "P" shall be painted on three or more ends of logs visible from the front and on three or more ends of logs visible from the back of the load.

### **III. PERFORMANCE AND COST RECOVERY**

**A. RECONSTRUCTION REQUIRED TO ACCOMMODATE USE.** The holder shall perform any road reconstruction required to accommodate the holder's use under this permit, or deposit funds sufficient to cover the cost of the reconstruction, before the holder's use commences.

#### **B. COMMENSURATE SHARE**

1. The holder shall perform maintenance, or deposit funds sufficient to cover the cost of maintenance, commensurate with the holder's use of the roads authorized by this permit (the holder's commensurate share), measured, e.g., in thousand board feet, cubic yards, or vehicle units. The holder shall be entirely responsible for maintenance that is necessitated by the holder's use, i.e., maintenance which would not be necessary if the holder's use did not occur. The holder shall be proportionately responsible with other users of the roads authorized by this permit for maintenance not necessitated by traffic, i.e., maintenance that is necessary due to natural causes such as rain, wind, rock fall, and growth of brush. Maintenance that could be required or for which payment could be required by this clause includes, at a minimum, work addressed in section IV of this permit.

2. The initial calculation of the holder's commensurate share, including the maintenance made necessary by the authorized use and the cost of the maintenance, is shown in Appendix B. The annual value of the holder's commensurate share for the use authorized by this permit is \$1,302 for deferred maintenance (surface replacement), and \$6,426 for recurring maintenance provided that the rate shall be revised upward or downward on the anniversary date of this permit, based on estimated costs and anticipated use of the roads authorized under this permit. If the value of the holder's commensurate share exceeds the cost of maintenance that is performed on the roads authorized by this permit, the difference between the value of the holder's commensurate share and the cost of the maintenance performed shall be deposited in cash, as provided in clause III.D.

**C. PERFORMANCE BOND FOR ROAD MAINTENANCE.** As a further guarantee of the holder's commensurate share obligation, the responsible official may require the holder to furnish a surety bond or other security.

1. As a further guarantee of compliance with the holder's commensurate share obligation, the holder shall deliver and maintain a surety bond or other acceptable security, such as cash deposited and maintained in a federal depository or negotiable securities of the United States, in the amount of \$212,000. The responsible official may periodically evaluate the adequacy of the bond or other security and increase or decrease the amount as appropriate. If the bond or other security becomes unsatisfactory to the responsible official, the holder shall within 30 days of demand furnish a new bond or other security issued by a surety that is solvent and satisfactory to the responsible official. If the holder fails to meet any of the requirements secured under this clause, money deposited pursuant to this clause shall be retained by the United States to the extent necessary



to satisfy the obligations secured under this clause, without prejudice to any other rights and remedies of the United States.

2. The bond shall be released or other security returned 30 days after (a) the responsible official certifies that the obligations covered by the bond or other security are met and (b) the holder establishes to the satisfaction of the responsible official that all claims for labor and material for the secured obligations have been paid or released.

**D. PAYMENT IN LIEU OF PERFORMANCE.** An initial payment in lieu of performance of deferred and recurring maintenance in the amount of \$7,728 shall be made before use commences under this permit. Thereafter, payments in lieu of performance shall be made annually in the amount of [to be re-assessed] calculated using the rate of payment for the holder's commensurate share in clause III.B. Payments shall be based on monthly use records submitted per clause II.C. Payments shall be sent to USDA Forest Service, P.O. Box 894183, Los Angeles, CA 90189-4183. In lieu of an advance payment, the holder may deliver and maintain a surety bond or other acceptable security, such as cash deposited and maintained in a federal depository or negotiable securities of the United States, in the amount of \$7,728. If the holder fails to meet the payment obligation secured under this clause, money deposited pursuant to this clause shall be retained by the United States to the extent necessary to satisfy the obligation, without prejudice to any other rights and remedies of the United States. The surety bond shall be released or other security returned 30 days after the responsible official certifies that the obligation covered by the bond or other security is met.

#### **IV. REQUIREMENTS FOR CONDUCTING MAINTENANCE**

**A. IN GENERAL.** When maintenance is performed, it shall be conducted in accordance with the following requirements and the requirements in Appendix C:

1. The holder shall perform maintenance on the roads authorized by this permit that is necessary to protect and repair the roadbed, road surface, and associated transportation facilities.
2. The holder shall resurface the roads authorized by this permit to the extent loss of surfacing is caused by the use authorized by this permit.
3. If other commercial haulers are operating on the roads authorized by this permit, the holder and those commercial haulers shall enter into an agreement for performance of maintenance on these roads. If conflicts arise regarding responsibility for the maintenance, commercial hauling on these roads shall cease until the conflicts are resolved.

**B. SNOW REMOVAL.** Snow removal shall be conducted in a manner that protects roads, ensures safe and efficient transportation of materials, and prevents erosion damage to roads, streams, and adjacent lands.

Snow removal must be authorized by the responsible official prior to implementation.

The holder shall:

1. Remove snow from the entire width of the road surface, including turnouts and ditch lines. Through-cuts will be allowed only after snow depths exceed the height of the cab or across flat ground. Disposal shall always be to the outside or downhill side of the road.
2. Remove snow slides, earth slides, fallen timber, and boulders that obstruct the road surface.
3. Remove snow, ice, and debris from ditches and culverts so that the drainage system will function efficiently at all times.
4. Deposit all debris, except snow and ice, removed from the road surface and ditches at locations approved by the responsible official and away from stream channels.
5. Leave at least 4 inches of snow to protect the road.
6. Restore any damage resulting from snow removal in a timely manner.

7. Ensure that snow plowing is conducted in accordance with the traffic control plan required under clause II.D.

The holder shall not:

8. Undercut constructed slopes or remove gravel or other surfacing material from the road surface.
9. Leave snow berms on the road surface. Berms on the shoulder of the road shall be removed or drainage holes shall be opened and maintained. Drainage holes shall be spaced as necessary to obtain satisfactory surface drainage without discharge on erodible fills.  
Outlets - Outlets for surface runoff shall be placed in all snow through-cuts at points where water can flow off the road surface at the following intervals:

Road grades of 8% or less - 500 feet center to center minimum

Road grades greater than 8% - 300 feet center to center minimum

10. Use equipment with cleats or other tracks to plow snow without prior written approval of the responsible official.
11. Equipment - The equipment should be in sound operating condition, be equipped with angle blade or adequate grousers or traction tires, and be operated by a fully qualified operator.
12. Sanding of hazardous areas shall be with sand. Coal dust, chemicals, or salt are not to be used.
13. Cattleguards - Crawler tractors will not be operated across cattleguards.
14. Culvert Cleaning - Culvert heads and outlets shall be cleaned of snow-pack by hand.
15. Tree Damage - Snow should not be pushed, blown, or stacked on trees along the roadside. Care will be taken to avoid scarring trees with equipment.
16. The road may be used while a snow floor remains intact or under frozen conditions. All travel must cease when temperatures allow the road to thaw and rutting of the road surface is occurring. This closure will be in effect until the surface dries or refreezes.
17. Inspections: Intermittent inspections may be made during snow removal operations. Final inspection will be made to check for full compliance and damages.

#### **V. RIGHTS AND LIABILITIES**

**A. LEGAL EFFECT OF THE PERMIT.** This permit, which is revocable and terminable, is a federal license. This permit does not constitute a contract or lease for purposes of the Contract Disputes Act, 41 U.S.C. 601. This permit is not real property, does not convey any interest in real property, and may not be used as collateral for a loan.

**B. VALID OUTSTANDING RIGHTS.** This permit is subject to all valid outstanding rights.

**C. ABSENCE OF THIRD-PARTY BENEFICIARY RIGHTS.** The parties to this permit do not intend to confer any rights on any third party as a beneficiary under this permit.

**D. RISK OF LOSS.** The holder assumes all risk of loss associated with use of the roads authorized by this permit, including but not limited to theft, vandalism, fire and any fire-fighting activities (including prescribed burns), avalanches, rising waters, winds, falling limbs or trees, and acts of God.

**E. DAMAGE TO UNITED STATES PROPERTY.** The holder has an affirmative duty to protect from damage the land, property, and other interests of the United States. Damage includes but is not limited to fire suppression costs, damage to government improvements covered by this permit, and all costs and damages associated with or resulting from the release or threatened release of a hazardous material occurring during or as a result of activities

of the holder or the holder's heirs, assigns, agents, employees, contractors, or lessees on, or related to, the lands, property, and other interests covered by this permit. For purposes of this clause, "hazardous material" shall mean any hazardous substance, pollutant, contaminant, hazardous waste, oil, and/or petroleum product, as those terms are defined under any federal, state, or local law or regulation.

1. The holder shall avoid damaging or contaminating the environment, including but not limited to the soil, vegetation (such as trees, shrubs, and grass), surface water, and groundwater, while conducting commercial hauling under this permit. If the environment or any government property covered by this permit becomes damaged during the holder's use under this permit, the holder shall immediately repair the damage or replace the damaged items to the satisfaction of the responsible official and at no expense to the United States.

2. The holder shall be liable for all injury, loss, or damage, including fire suppression, or other costs in connection with rehabilitation or restoration of natural resources associated with the use authorized by this permit. Compensation shall include but not be limited to the value of resources damaged or destroyed, the costs of restoration, cleanup, or other mitigation, fire suppression or other types of abatement costs, and all administrative, legal (including attorney's fees), and other costs. Such costs may be deducted from a performance bond required under clause III.C.

3. The holder shall be liable for damage caused by use of the holder or the holder's heirs, assigns, agents, employees, contractors, or lessees to all roads and trails of the United States to the same extent as provided under clause V.E.1.

**F. HEALTH, SAFETY, AND ENVIRONMENTAL PROTECTION.** The holder shall promptly abate as completely as possible and in compliance with all applicable laws and regulations any activity or condition arising out of or relating to use of the roads authorized by this permit that causes or threatens to cause a hazard to public health or the safety of the holder's employees or agents or harm to the environment (including areas of vegetation or timber, fish or other wildlife populations, their habitats, or any other natural resources). The holder shall immediately notify the responsible official of all traffic accidents and any other serious accidents that occur in connection with the authorized use. The responsibility to protect the health and safety of all persons affected by use of the roads authorized by this permit is solely that of the holder. The Forest Service has no duty under the terms of this permit to inspect the roads authorized by this permit or authorized activities of the holder for hazardous conditions or compliance with health and safety standards.

**G. COMPLIANCE WITH ENVIRONMENTAL LAWS.** The holder shall in connection with use of the roads authorized by this permit comply with all applicable federal, state, and local environmental laws and regulations, including but not limited to those established pursuant to the Resource Conservation and Recovery Act, as amended, 42 U.S.C. 6901 *et seq.*, the Federal Water Pollution Control Act, as amended, 33 U.S.C. 1251 *et seq.*, the Oil Pollution Act, as amended, 33 U.S.C. 2701 *et seq.*, the Clean Air Act, as amended, 42 U.S.C. 7401 *et seq.*, the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended, 42 U.S.C. 9601 *et seq.*, the Toxic Substances Control Act, as amended, 15 U.S.C. 2601 *et seq.*, the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, 7 U.S.C. 136 *et seq.*, and the Safe Drinking Water Act, as amended, 42 U.S.C. 300f *et seq.*

**H. INDEMNIFICATION OF THE UNITED STATES.** The holder shall indemnify, defend, and hold harmless the United States for any costs, damages, claims, liabilities, and judgments arising from past, present, and future acts or omissions of the holder or the holder's employees, contractors, or subcontractors in connection with use of the roads authorized by this permit. This indemnification provision includes but is not limited to acts and omissions of the holder or the holder's heirs, assigns, agents, employees, or contractors in connection with use of the roads authorized by this permit which result in (1) violations of any laws and regulations which are now or which may in the future become applicable, and including but not limited to those environmental laws listed in clause V.G. of this permit; (2) judgments, claims, demands, penalties, or fees assessed against the United States; (3) costs, expenses, and damages incurred by the United States; or (4) the release or threatened release of any solid waste, hazardous waste, hazardous substance, pollutant, contaminant, oil in any form, or petroleum product into the environment. The responsible official may prescribe terms that allow the holder

to replace, repair, restore, or otherwise undertake necessary curative actions to mitigate damages in addition to or as an alternative to monetary indemnification.

## **I. INSURANCE**

1. The holder or the holder's employees, contractors, or subcontractors shall have in force automobile insurance covering losses associated with the use authorized by this permit in at least the amount of \$100,000 for injury or death to one person, \$300,000 for injury or death to two or more persons, and \$50,000 for property damage. Minimum amounts of coverage and other insurance requirements are subject to change at the sole discretion of the responsible official on the anniversary date of this permit.

2. Any insurance policies obtained by the holder pursuant to this clause shall name the United States as an additional insured, and the additional insured provision shall provide for insurance coverage for the United States as required under clause V.I. The policies also shall specify that the insurance company shall give 30 days prior written notice to the responsible official of cancellation of or any modification to the policies.

3. The holder shall furnish proof of insurance, such as a certificate of insurance, to the responsible official prior to issuance of this permit and each year thereafter that this permit is in effect. The Forest Service reserves the right to review and approve the insurance policy prior to issuance. The holder shall send an authenticated copy of any insurance policy obtained pursuant to clause V.I. to the responsible official immediately upon issuance of the policy. The certificate of insurance, the authenticated copy of the insurance policy, and written notice of cancellation or modification of insurance should be sent to Ferron/Price Ranger District, 599 West Price River Drive, Price Utah, 84501, Attn: Elaine Alexander, telephone (435)-636-3567.

## **VI. REVOCATION, SUSPENSION, AND TERMINATION**

**A. REVOCATION AND SUSPENSION.** The responsible official may revoke or suspend this permit in whole or in part for:

1. Noncompliance with federal, state, or local law.
2. Noncompliance with the terms of this permit.
3. Abandonment or other failure of the holder to exercise the privileges granted.

Prior to revocation or suspension, other than immediate suspension under clause VI.B, the responsible official shall give the holder written notice of the grounds for revocation or suspension and a reasonable time, typically not to exceed 90 days, to cure any noncompliance. Revocation or suspension of this permit shall not give rise to any claim for damages by the holder against the Forest Service.

**B. IMMEDIATE SUSPENSION.** The responsible official may immediately suspend this permit in whole or in part when necessary to protect public health or safety or the environment. The suspension decision shall be in writing.

**C. TERMINATION.** This permit shall terminate when by its terms a fixed or agreed upon condition, event, or time occurs without any action by the responsible official, such as expiration of the permit by its terms on a specified date or with the consent of the holder. Termination of this permit shall not give rise to any claim for damages by the holder against the Forest Service.

## **VII. MISCELLANEOUS PROVISIONS**

**A. MEMBERS OF CONGRESS.** No member of or delegate to Congress or Resident Commissioner shall benefit from this permit either directly or indirectly, except to the extent the authorized use provides a general benefit to a corporation.

**B. CURRENT ADDRESSES.** The holder and the responsible official shall keep each other informed of current mailing addresses, including those necessary for payment of the holder's commensurate or investment share.

C. **SUPERIOR CLAUSES.** If there is a conflict between any of the preceding printed clauses and any of the following clauses, the preceding printed clauses shall control.

**THIS PERMIT IS ACCEPTED SUBJECT TO ALL ITS TERMS AND CONDITIONS.**

**BEFORE ANY PERMIT IS ISSUED TO AN ENTITY, DOCUMENTATION MUST BE PROVIDED TO THE RESPONSIBLE OFFICIAL OF THE AUTHORITY OF THE SIGNATORY FOR THE ENTITY TO BIND IT TO THE TERMS AND CONDITIONS OF THE PERMIT.**

ACCEPTED:

PacifiCorp, % Interwest Mining Company  
Cindy A. Crane, Vice President

HOLDER NAME, PRECEDED BY NAME AND TITLE  
OF PERSON SIGNING ON BEHALF OF HOLDER,  
IF HOLDER IS AN ENTITY

SIGNATURE

DATE

APPROVED:

*Ann King, Public Service Group Leader*  
*Acting for Allen Rowley, Forest Supervisor*  
*Allen Rowley, Forest Supervisor*

NAME AND TITLE OF RESPONSIBLE OFFICIAL

SIGNATURE

DATE

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0598-0016. The time required to complete this information collection is estimated to average [fill in burden hour estimate] hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, political beliefs, sexual orientation, and marital or family status. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at 202-720-2600 (voice and TDD).

To file a discrimination complaint write USDA, Director, Office of Civil Rights, 1400 Independence Avenue, SW, Washington, DC 20250-9410 or call (800) 975-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider and employer.

The Privacy Act of 1974 (5 U.S.C. 552a) and the Freedom of Information Act (5 U.S.C. 552) govern the confidentiality to be provided for information received by the Forest Service.



## **APPENDIX C**

### **Maintenance Requirements**

Provide maintenance as appropriate to ensure safe travel and ensure all culverts have a minimum cover depth of 12-inches. Process the fill material over culverts to provide smooth transition along existing road profile.

#### **Recurring Maintenance:**

Work in lieu of payment for recurring maintenance shall be performed as outlined below.

Road maintenance is defined as the performance of work on the entire road facility commensurate with permittee's use. This work consists of restoration and preservation of surface, shoulders, roadsides, structures, drainage, sight distance, and such traffic control devices as are necessary for prevention of excessive erosion damage to the facility and adjacent lands.

I. **Description.** Maintenance work to be done currently during the periods of use by the permittee shall include:

- A. Removal of slides and boulders, resulting from Permittee's actions, which obstruct safe sight distance.
- B. Adequate blading and shaping of roadway surfaces, ditches, and grade dips to maintain the original cross-sections.
- C. Removal of earth and debris from ditches and culverts so that the drainage systems will function efficiently at all times.
- D. Prevention of excessive dusting of road surface materials.
- E. Repair of damages to fences, cattleguards, culverts, and other roadway structures including traffic regulatory and directional signs that result from Permittee's actions.
- F. Restoration of eroded fills and repair and protection of shoulder berms, berm outlets, stabilized waterways, vegetated slopes, and other erosion control features that are damaged as a result of Permittee's actions.
- G. Replacement of roadway and/or surfacing material worn out and lost through use of the roadway.

II. **Performance.** All items of maintenance work shall be done currently as necessary to insure safe, efficient transportation and to protect roads, streams, and adjacent lands from excessive damage. Work shall be done in accordance with the following minimum standards of performance.

- A. **Removal of Material.** Earth, rocks, trees, brush, and debris removed from roadways and ditches shall not be deposited in stream channels or upon slope stabilization and erosion control features.
- B. During roadway blading and shaping operations, banks shall not be undercut nor shall gravel or other selected surfacing material be bladed off the roadway surface. The original crown or slope of the road shall be preserved. Mud, debris, and oversize material shall be deposited outside the roadway by hand or by careful blading, and these materials shall not be mixed with the road surfacing material.
- C. Ditches, culverts, drop inlets, trash racks, downspouts, and splatter structures shall be kept clear of earth, slash, and other debris so that drainage systems will function efficiently during, and immediately following, periods of road use by permittee. This includes correcting and eliminating causes of erosion or plugging of the structure, and actual repair of the structure and riprap if damaged.
- D. Fugitive dust shall be controlled to prevent hazardous driving conditions or loss of road surface or binder material.

E. Permittee shall promptly repair all damages, caused by the permittee's operations, to the road surface or to any structures in or adjacent to the roadways. To transport any overweight loads (those that exceed HS-20 loading) will require five (5) days notice prior to transporting on Forest Roads. An inspection of drainage and other structures (bridges, etc.) will be made to determine if the structure can safely accommodate the load.

F. Any washing or settling of roadway fills shall be corrected promptly to prevent additional soil erosion or roadway damage. Shoulder berms, berm outlets, and stabilized waterways shall be protected during road maintenance operations and, if damaged, such structures shall be promptly restored to their original condition, including repair and reseeding of vegetation established to control slope erosion. No earth, rocks, or other debris shall be deposited upon any roadside slope stabilization structure or feature.

(END APPENDIX C)



**APPENDIX A – YEARLY OPERATION PLAN - 2012  
2012 - 2014 Exploration Drilling Program**

**Road Use Permit #0410-02-69 – Manti – LaSal National Forest**

**PacifiCorp / Interwest Mining Company  
1407 W. North Temple Street – Room 310  
Salt Lake City, Utah 84116**

**Responsible Official:  
Scott Child  
Manager, Land and Regulatory Affairs  
801-220-4612**

**Contractor Companies:**

**Lancaster Drilling Company  
Ron Lancaster  
21338 H Road  
Delta, CO 81416  
970-874-6849**

**Skydance Helicopters, Inc. (Phase 2 Only)  
Jeff Cane  
101 Wass Way  
Minden, NV 89423  
775-782-4047**

**2012 Exploration Drilling Program Introduction:**

The purpose of this Road Use Permit Appendix is to provide a yearly update to the Road Use Permit (expires 10/01/14) held by Interwest Mining Company to operate sufficient mobile transport equipment including pickup trucks with trailers and a support trucks to aid a skid-mounted and helicopter-assisted drilling program in Cottonwood Canyon and on Trail and East Mountains in the spring and summer of 2012. The Manti-LaSal National Forest should refer to the drill plan applications (Notice of Intention to Conduct Minor Coal Exploration, BLM Exploration License UTU-88021 and Special Use Permit Application (2012 - 2014)). Seven miles of FDR 040, from the Forest Boundary to the top of Cottonwood Canyon and six miles of FDR 034 as well as 1.5 miles of the North Point Spring road on top of Trail Mountain and 3 miles of the East Mountain Road FDR #145 will be used under the authorization of this Road Use Permit in 2012.

Nine of the drill sites (PDH-16, 17, 18, 19, 20, 37, 38, 39, and 40) are located alongside FDR 040 and will be accessed first without the aid of a helicopter, but will use the same portable equipment brought in by truck, supported by truck, and removed by truck. This phase of the drill program is projected to take about 20 days, beginning April 1, 2012.

This drilling equipment will then be staged to the remote off-road drill sites above Cottonwood Canyon beginning on July 5, 2012, or earlier if possible. Once the initial mobilization of drill equipment to these drill sites by helicopter is completed, crew transport to and from the staging areas in Cottonwood Canyon once per day will be the only road activity until the program is completed, an estimated additional 36 days. At the

completion of the project, the drills and support equipment will be dis-assembled and transported by helicopter back down to the staging areas to be loaded on trailers to be transported off Forest lands.

The main staging areas for this phase of the drilling project will be in Cottonwood Canyon at Trail and Dairy Canyons. There is sufficient room at these sites for equipment loading not to interfere with traffic. The Cottonwood Canyon road is graveled and will not rut when wet. During drilling operations, large yellow warning signs indicating helicopter drilling operations will be posted several hundred feet on both sides of the staging areas.

**Operation Plan:**

Start-Up Date, Phase 1: (Tentative) April 1, 2012

Truck or Skid Mounted Rig

FDR 040 Cottonwood Creek Road 7 Miles

Start-Up Date, Phase 2: (Tentative) July 5, 2012

FDR 034 Trail Mountain Road 6 Miles

FDR 145 East Mountain Road 3 Miles

Contingency Roads:

FDR 014 Millers Flat Road 6 Miles

FDR 302 North Point Spring Road 1.5 Miles

The Cottonwood Canyon Road FDR 040 will be used for initial access and mobilization of drilling equipment by road. The first nine (9) holes will be drilled alongside the Cottonwood Canyon Road. Then the drill equipment will be moved by helicopter from the Cottonwood canyon sites to the remote sites. The Trail Mountain Road 034 and the North Point Spring Road may be used to access these sites if helicopter access is limited or unavailable. The other roads designated are for secondary or contingency landing and staging areas or for access to holes to be drilled in years 2013 and 2014.

Estimated Project Duration – 40 total work days for both phases (may include wildlife buffer delays) – Round Trips and useage miles:

Day 1 – Mobilize Rig #1 – Set up rig at site #18 along FDR 040

2 Pickup trucks with trailers (Drilling Contractor) 1 trip each – 4 miles

1 Drill on skid

1 Pickup truck (Interwest) 1 trip each – 4 miles

1 Pickup truck (Contractor) 1 trip each – 4 miles

Day 2 – Mobilize Rig #2 – Set up rig at site #19 along FDR 040

2 Pickup trucks with trailers (Drilling Contractor) 1 trip each – 4 miles

1 Drill on skid  
1 Pickup truck (Interwest) 1 trip each - 4 miles  
1 Pickup truck for Rig #1 (Contractors) 1 trip each - 4 miles

Day 3 - Mobilize Rig #3 - Set up rig at site #20 along FDR 040

2 Pickup trucks with trailers (Drilling Contractor) 1 trip each - 4 miles  
1 Drill on skid  
1 Pickup trucks (Interwest) 1 trips each - 4 miles  
2 Pickup trucks for Rigs #1,2 (Contractors) 2 trips each - 4 miles

Days 4 - 20 - Access drill sites by road - FDR 040

3 Pickup trucks (Drilling Contractor) 1 trip each - 5 miles  
2 Pickup trucks (Interwest) 1 trip each - 5 miles

Day 21 - Clean up and reclaim sites - FDR 040

2 Pickup trucks with trailers (Drilling Contractor) 2 trips each - 5 miles  
2 Pickup trucks (Interwest, Contractors) 2 trips each - 5 miles

## Phase 2 - Helicopter-Aided Drilling - Trail, Flat Canyon Staging Areas

Day 1 - Move Rig #1 to remote drill site by helicopter- FDR 040

2 Pickup trucks with trailers (Drilling Contractor) 2 trips each - 3 miles  
1 Pickup truck with trailer (Helicopter Contractor) 1 trip - 3 miles  
2 Pickup trucks (Interwest, Contractors) 2 trips each - 3 miles

Day 2 - Move Rig #2 to remote drill site by helicopter- FDR 040

2 Pickup trucks with trailers (Drilling Contractor) 2 trips each - 3 miles  
1 Pickup truck with trailer (Helicopter Contractor) 1 trip - 3 miles  
2 Pickup trucks (Interwest, Contractors) 2 trips each - 3 miles

Day 3 - Move Rig #3 to remote drill site by helicopter- FDR 040

2 Pickup trucks with trailers (Drilling Contractor) 2 trips each - 3 miles  
1 Pickup truck with trailer (Helicopter Contractor) 1 trip - 3 miles  
2 Pickup trucks (Interwest, Contractors) 2 trips each - 3 miles

Day 3 - 32 Stage from Cottonwood Canyon road FDR 040

1 Pickup truck (Drilling Contractor) 1 trips each - 3 miles

1 Pickup truck with trailer (Helicopter Contractor)	1 trip each - 3 miles
2 Pickup trucks (Interwest, Contractors)	2 trips each - 3 miles

Day 33 -De-Mobilize Rig #1 - Stage to Cottonwood Canyon Road FDR 040

2 Pickup trucks with trailers (Drilling Contractor)	2 trips each - 3 miles
1 Pickup truck with trailer (Helicopter Contractor)	1 trip - 3 miles
1 Pickup trucks (Interwest)	1 trip each - 3 miles
1 Pickup trucks (Contractors)	1 trip each - 3 miles

Day 34 -De-Mobilize Rig #1 - Stage to Cottonwood Canyon Road FDR 040

2 Pickup trucks with trailers (Drilling Contractor)	2 trips each - 3 miles
1 Pickup truck with trailer (Helicopter Contractor)	1 trip - 3 miles
1 Pickup trucks (Interwest)	1 trip each - 3 miles
1 Pickup trucks (Contractors)	1 trip each - 3 miles

Day 35 -De-Mobilize Rig #3 - Stage to Cottonwood Canyon Road FDR 040

2 Pickup trucks with trailers (Drilling Contractor)	2 trips each - 3 miles
1 Pickup truck with trailer (Helicopter Contractor)	1 trip - 3 miles
1 Pickup trucks (Interwest)	1 trip each - 3 miles
1 Pickup trucks (Contractors)	1 trip each - 3 miles

Day 36 - Transport water hose to Cottonwood Canyon Road FDR 040

1 Pickup truck with trailer (Drilling Contractor)	2 trips - 3 miles
1 Pickup truck with trailer (Interwest)	1 trip - 3 miles
1 Pickup truck with trailer (Helicopter Contractor)	1 trip - 3 miles
1 Pickup trucks (Interwest, Contractors)	1 trip each - 3 miles

Total # of trips (Phase 1):

Pickup with trailer (Drilling Contractor)	8 trips = 68 miles total
Pickup for crew transport (Interwest + Contractor)	89 trips = 892 miles total

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Total Estimated Number of Trips	97
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Total # of trips (Phase 2):

Pickup with trailer (Drilling Contractor)	15 trips = 90 miles total
Pickup for crew transport (Interwest + Contractor)	136 trips = 822 miles total

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Total Estimated Number of Trips	151
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**NOTICE OF INTENT TO CONDUCT  
MINOR COAL EXPLORATION  
FEDERAL COAL LEASE U-084924**

**APPENDIX 3  
WATER RIGHTS APPROVAL**

*August, 2012*

*PacifiCorp*



GARY R. HERBERT  
Governor  
GREG BELL  
Lieutenant Governor

# State of Utah

## DEPARTMENT OF NATURAL RESOURCES

### Division of Water Rights

MICHAEL R. STYLER      KENT L. JONES  
*Executive Director      State Engineer/Division Director*

## ORDER OF THE STATE ENGINEER

### For Temporary Change Application Number 93-22 (t37977)

Temporary Change Application Number 93-22 (t37977) in the names of Cottonwood Creek Consolidated Irrigation Company, and PacifiCorp-Emery West Mining Co., was filed on March 1, 2012, to change the points of diversion, places of use, and uses of 0.86 acre-foot (af) of water under Cottonwood Creek Consolidated Irrigation Company (CCCIC) Stock Certificate Number 2950, as evidenced by Water Right Numbers 93-2137, 93-2175, and 93-22. Heretofore, the water has been diverted from the following points located: (1) Surface - South 650 feet and East 1420 feet from the W $\frac{1}{4}$  Corner of Section 9, T18S, R7E, SLB&M; (2) Surface - South 730 feet and East 1150 feet from the NW Corner of Section 15, T16S, R6E, SLB&M; (3) Surface - North 930 feet and East 1190 feet from the S $\frac{1}{4}$  Corner of Section 14, T18S, R7E, SLB&M. The water has been used for the irrigation of 0.215 acre from April 1 to October 31. The place of use for the water was within the CCCIC service area.

Hereafter, it is proposed to divert 0.86 acre-foot of water to points of diversion changed to: (1) Spring - North 570 feet and West 1051 feet from the SE Corner of Section 23, T16S, R6E, SLB&M; (2) Surface - North 573 feet and West 657 feet from the SE Corner of Section 15, T17S, R6E, SLB&M; (3) Surface - South 1667 feet and West 1380 feet from the N $\frac{1}{4}$  Corner of Section 24, T17S, R6E, SLB&M; (4) Spring - North 1036 feet and East 662 feet from the W $\frac{1}{4}$  Corner of Section 14, T17S, R6E, SLB&M; (5) Surface - South 1893 feet and West 1902 feet from the NE Corner of Section 14, T17S, R6E, SLB&M; (6) Surface - North 739 feet and West 1157 feet from the S $\frac{1}{4}$  Corner of Section 11, T17S, R6E, SLB&M; (7) Surface - North 1101 feet and West 29 feet from the W $\frac{1}{4}$  Corner of Section 11, T17S, R6E, SLB&M; (8) Surface - South 341 feet and West 1384 feet from the E $\frac{1}{4}$  Corner of Section 14, T17S, R6E, SLB&M; (9) Surface - South 2110 feet and West 1675 feet from the NE Corner of Section 14, T17S, R6E, SLB&M; (10) Surface - North 25 feet and West 1443 feet from the E $\frac{1}{4}$  Corner of Section 14, T17S, R6E, SLB&M; (11) Surface - South 198 feet and East 459 feet from the W $\frac{1}{4}$  Corner of Section 11, T17S, R6E, SLB&M; (12) Surface - South 845 feet and West 1216 feet from the E $\frac{1}{4}$  Corner of Section 14, T17S, R6E, SLB&M; (13) Spring - South 520 feet and East 81 feet from the W $\frac{1}{4}$  Corner of Section 25, T16S, R6E, SLB&M; (14) Surface - North 1243 feet and East 1055 feet from the SW Corner of Section 11, T17S, R6E, SLB&M. The water is to be used for coal exploration drilling. The place of use of the water is being changed to all or portion(s) of Sections 11, 14, and 23, T17S, R6E, SLB&M; and Section 10, T17S, R6E, SLB&M.

Notice of this temporary change application was not published in a newspaper. It is the opinion of the State Engineer that it meets the criteria of Section 73-3-3 of the Utah Code for the approval of temporary change applications.

ORDER OF THE STATE ENGINEER  
Temporary Change Application Number  
93-22 (t37977)  
Page 2

In evaluating applications, which propose to change the nature of use of a water right, the State Engineer believes it is appropriate to examine the rates and amounts of hydrologic depletion associated with the historic water use as compared to the proposed use to assure that there is no enlargement of the underlying water right. In this case, it is believed that the historic water uses would have incurred the following rates and amounts of hydrologic depletion:

<u>Prior Beneficial Use</u>	<u>Acres</u>	<u>Duty</u>	<u>Connections # of Stock</u>	<u>Allowed Diversion</u>	<u>Rate of Depletion</u>	<u>Amount of Depletion</u>
Irrigation	0.215	4.0		0.8600 af/yr	2.523 af/ac <sup>1</sup>	0.5424 af/yr
Totals:				0.8600 af/yr		0.5424 af/yr

<sup>1</sup>Consumptive Use of Irrigated Crops in Utah," Research Report 145, Utah Agricultural Experiment Station, Utah State University, Logan, Utah, October 1994, Table 25 "Castle Dale Station.

The application proposes the following uses:

<u>Proposed Beneficial Use</u>	<u>Allowed Diversion</u>	<u>Allowed Depletion</u>
Coal Exploratory Drilling	0.8600 af/yr	0.5424 af/yr
Totals:	0.8600 af/yr	0.5424 af/yr

Based on the above analysis, it appears that the proposed use(s) will not exceed the hydrologic diversion and depletion limitations associated with the historical uses.

It is, therefore, **ORDERED** and Temporary Change Application Number 93-22 (t37977) is hereby **APPROVED** subject to all prior rights and the following conditions:

- 1) No more water may be diverted during the use period than is represented by the stock in the Cottonwood Creek Consolidated Irrigation Company, or the equivalent that is approved by the Company in times of shortage.
- 2) Installation of totalizing water meter(s) at the expense of the applicants may be required, should the time come that measurement of water usage from each of the developed sources is required to be submitted to the State Engineer. Water meter(s) shall be available to the Cottonwood Creek Commissioner for examination at all reasonable times.
- 3) The water being changed shall be regulated by the Cottonwood Creek Commissioner at the expense of the applicants.
- 4) Continued ownership of the stock certificates, which represent the underlying right for this change application, shall be required in order to maintain this change application.



- 5) The annual diversion and depletion limits may not exceed 0.86 acre-foot and 0.5424 acre-foot of water respectively.

**This application shall automatically expire one year from the date of this approval.**

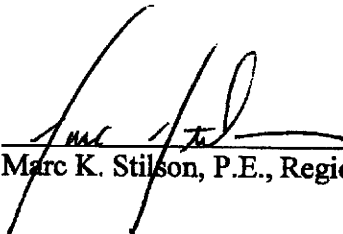
If historical resources such as human remains (skeletons), prehistoric arrowheads/spear points, waste flakes from stone tool production, pottery, ancient fire pits, historical building foundations/remains, artifacts (glass, ceramic, metal, etc.) are found during construction, call the Utah Division of State History at 801-533-3555.

**It is the applicants' responsibility to maintain a current address with this office and to update ownership of their water right. Please notify this office immediately of any change of address or for assistance in updating ownership.**

Your contact with this office, should you need it, is with the Southeastern Regional Office. The telephone number is 435-613-3750.

This Order is subject to the provisions of Administrative Rule R655-6-17 of the Division of Water Rights and to Sections 63G-4-302, 63G-4-402, and 73-3-14 of the Utah Code which provide for filing either a Request for Reconsideration with the State Engineer or an appeal with the appropriate District Court. A Request for Reconsideration must be filed with the State Engineer within 20 days of the date of this Order. However, a Request for Reconsideration is not a prerequisite to filing a court appeal. A court appeal must be filed within 30 days after the date of this Order, or if a Request for Reconsideration has been filed, within 30 days after the date the Request for Reconsideration is denied. A Request for Reconsideration is considered denied when no action is taken 20 days after the Request is filed.

Dated this 2 day of MARCH, 2012.

  
\_\_\_\_\_  
Marc K. Stilson, P.E., Regional Engineer

Mailed a copy of the foregoing Order this 2 day of MARCH, 2012 to:

Cottonwood Creek Consolidated Irrigation Company  
P O Box 678  
Orangeville UT 84537

ORDER OF THE STATE ENGINEER  
Temporary Change Application Number  
93-22 (t37977)  
Page 4

PacifiCorp-Emery West Mining Co.  
PO Box 310  
Huntington, UT 84528

Dustin Huntington, River Commissioner  
PO BOX 1001  
CASTLE DALE, UT 84513

Division of Water Rights  
Distribution Section  
c/o Susan Odekirk  
COTTONWOOD CREEK (PRICE)

Division of Water Rights  
Stream Alteration Section

Division of Water Rights  
Water Use Program

BY: m gabb  
Michele Gabb, Regional Secretary



P.O. Box 310  
15 North Main Street  
Huntington, Utah 84528

November 22, 2011

Mr. Craig Johansen  
Cottonwood Creek Consolidated Irrigation Company  
P.O. Box 327  
65 E. 100 N.  
Castle Dale, UT 84513

RE: Request for Temporary Change of Water - 2012 Energy West Exploration Program

Dear Craig:

PacifiCorp (Energy West Mining Company and Fossil Rock Fuels, LLC) proposes to conduct truck mounted and helicopter assisted minor coal exploration surface drilling in Cottonwood Canyon and on Trail Mountain in 2012. To obtain water necessary for drilling, PacifiCorp must obtain a temporary change of water point of diversion for Cottonwood Canyon Consolidated Irrigation Company water shares owned by Trail Mountain Mine (PacifiCorp / Energy West). The holes will be drilled between April 1 and November 1, 2012. Total water use for the project is projected to be no more than 0.86 acre-feet.

Signing the attached forms will signify that Cottonwood Canyon Consolidated Irrigation Company is aware of the change of use point and has reviewed the map of the points of diversion. I have consulted with Rick Wilde at Water Rights about which water right numbers to show for use with this certificate. Please sign in the spaces indicated at your earliest convenience and return to Energy West. The water right change application will then be submitted by Energy West to the Utah Division of Water Rights.

If you have any questions or need additional information, please call me at 687-4712.

Sincerely,

Kenneth S. Fleck  
Geology and Environmental Affairs Manager  
Energy West Mining Company  
P.O. Box 310  
Huntington, Utah 84528

KSF/ksf

# APPLICATION FOR TEMPORARY CHANGE OF WATER

## STATE OF UTAH

Rec. by \_\_\_\_\_  
Fee Paid \$ \_\_\_\_\_  
Receipt # \_\_\_\_\_  
Microfilmed \_\_\_\_\_  
Roll # \_\_\_\_\_

For the purpose of obtaining permission to make a temporary change of water in the State of Utah, application is hereby made to the State Engineer, based upon the following showing of facts, submitted in accordance with the requirements of Section 73-5-3 Utah Code Annotated 1953, as amended.

WATER RIGHT NO. 93-22, 93-2137, 93-2175 APPLICATION NO. 1

Changes are proposed in (check those applicable)

☒ point of diversion. ☒ place of use. ☒ nature of use. ☒ period of use

1. OWNER INFORMATION

Name: PacifiCorp - Energy West Mining Co. + Cottonwood Creek Consolidated Irrigation Co.

Address: P.O. Box 310 65 E. 100 N

City: Huntington, Utah 84501

Castle Dale, Utah 84513

Zip Code: \_\_\_\_\_

2. \*PRIORITY OF CHANGE: November 18, 2011 \*FILING DATE: November 18, 2011

3. RIGHT EVIDENCED BY: Stock Certificate #2950 - 16 Shares

Prior Approved Temporary Change Applications for this right: \_\_\_\_\_

\*\*\*\*\* HERETOFORE \*\*\*\*\*

4. QUANTITY OF WATER: \_\_\_\_\_ cfs and/or .86 ac-ft.

5. SOURCE: Cottonwood Creek

6. COUNTY: Emery

7. POINT(S) OF DIVERSION:

1) Various, N 3350' E 1952' from SW Sec. 25, T.17S., R.6E., SLB&M

Description of Diverting Works: Portable Pump or Gravity Feed

8. POINT(S) OF REDIVERSION

The water has been rediverted from \_\_\_\_\_ at a point: \_\_\_\_\_

Description of Diverting Works: \_\_\_\_\_

9. POINT(S) OF RETURN

The amount of water consumed is \_\_\_\_\_ cfs or .86 ac-ft.

The amount of water returned is \_\_\_\_\_ cfs or \_\_\_\_\_ ac-ft.

The water has been returned to the natural stream/source at a point(s): \_\_\_\_\_

\*These items are to be completed by the Division of Water Rights.

Temporary Change

10. NATURE AND PERIOD OF USE

Irrigation: From Mar 1 to Nov 30  
Stockwatering: From \_\_\_\_\_ to \_\_\_\_\_  
Domestic: From \_\_\_\_\_ to \_\_\_\_\_  
Municipal: From \_\_\_\_\_ to \_\_\_\_\_  
Mining: From \_\_\_\_\_ to \_\_\_\_\_  
Power: From \_\_\_\_\_ to \_\_\_\_\_  
Other: From \_\_\_\_\_ to \_\_\_\_\_

11. PURPOSE AND EXTENT OF USE

Irrigation: \_\_\_\_\_ acres. Sole supply of \_\_\_\_\_ acres.  
Stockwatering (number and kind): 20 Equivalent Livestock Units, or,  
Domestic: \_\_\_\_\_ Families and/or 80 Persons.  
Municipal (name): \_\_\_\_\_  
Mining: Pacificorp Mining District in the Trail Mountain Mins.  
Ores mined: \_\_\_\_\_  
Power: Plant name: \_\_\_\_\_ Type: \_\_\_\_\_ Capacity: \_\_\_\_\_  
Other (describe): \_\_\_\_\_

12. PLACE OF USE

Legal description of place of use by 40 acre tract(s): \_\_\_\_\_  
Various points on Cottonwood Creek as established by decrees, WUC, etc.

13. STORAGE

Reservoir Name: \_\_\_\_\_ Storage Period: from \_\_\_\_\_ to \_\_\_\_\_  
Capacity: \_\_\_\_\_ ac-ft. Inundated Area: \_\_\_\_\_ acres.  
Height of dam: \_\_\_\_\_ feet.  
Legal description of inundated area by 40 tract(s): \_\_\_\_\_

\*\*\*\*\* THE FOLLOWING CHANGES ARE PROPOSED \*\*\*\*\*

14. QUANTITY OF WATER: \_\_\_\_\_ cfs and/or .86 ac-ft.  
15. SOURCE: Cottonwood Creek, North Point Spring, Un-named Springs  
Balance of the water will be abandoned: \_\_\_\_\_, or will be used as heretofore: X  
16. COUNTY: Emery  
17. POINT(S) OF DIVERSION: T. 16S, R. 6E, SLB&M: 550' N and 1000' W of the SE Corner of Sec. 23,  
2700' N and 10' E of the SW Corner of Sec. 25. T. 17 S., R. 6 E., W 1/2 Sec. 11 (Cottonwood Creek), E 1/2 Sec.  
14 (Cottonwood Creek), 1650' S and 200' E of the NW Corner of Section 14 (North Point Spring), 550' N  
and 600' W of the SE Cor. of Sec. 15, Trail Canyon, 1650' S and 1250' E of the NW cor, Sec 24. (See Maps)  
Description of Diverting Works: Portable Pump or Gravity Feed  
COMMON DESCRIPTION: 12 Miles west of Huntington, Utah, Rilda Canyon Quad.

18. POINT(S) OF REDIVERSION

The water will be rediverted from \_\_\_\_\_ at a point: \_\_\_\_\_

Description of Diverting Works: \_\_\_\_\_

19. POINT(S) OF RETURN

The amount of water to be consumed is \_\_\_\_\_ cfs or .86 ac-ft.  
The amount of water to be returned is \_\_\_\_\_ cfs or \_\_\_\_\_ ac-ft.  
The water will be returned to the natural stream/source at a point(s): \_\_\_\_\_

20. NATURE AND PERIOD OF USE

Irrigation: From \_\_\_/\_\_\_/\_\_\_ to \_\_\_/\_\_\_/\_\_\_  
Stockwatering: From \_\_\_/\_\_\_/\_\_\_ to \_\_\_/\_\_\_/\_\_\_  
Domestic: From \_\_\_/\_\_\_/\_\_\_ to \_\_\_/\_\_\_/\_\_\_  
Municipal: From \_\_\_/\_\_\_/\_\_\_ to \_\_\_/\_\_\_/\_\_\_  
Mining: From \_\_\_/\_\_\_/\_\_\_ to \_\_\_/\_\_\_/\_\_\_  
Power: From \_\_\_/\_\_\_/\_\_\_ to \_\_\_/\_\_\_/\_\_\_  
Other: Drilling From 4 / 1 / 12 to 11 / 1 / 12

21. PURPOSE AND EXTENT OF USE

Irrigation: \_\_\_\_\_ acres. Sole supply of \_\_\_\_\_ acres.  
Stockwatering (number and kind): \_\_\_\_\_  
Domestic: \_\_\_\_\_ Families and/or \_\_\_\_\_ Persons.  
Municipal (name): \_\_\_\_\_  
Mining: \_\_\_\_\_ Mining District at the \_\_\_\_\_ Mine.  
Ores mined: \_\_\_\_\_  
Power: Plant name: \_\_\_\_\_ Type: \_\_\_\_\_ Capacity: \_\_\_\_\_  
Other (describe): Coal Exploration Drilling

22. PLACE OF USE

Legal description of place of use by 40 acre tract(s): See Attached Sheet & Map

23. STORAGE

Reservoir Name: \_\_\_\_\_ Storage Period: from \_\_\_\_\_ to \_\_\_\_\_  
Capacity: \_\_\_\_\_ ac-ft. Inundated Area: \_\_\_\_\_ acres.  
Height of dam: \_\_\_\_\_ feet.  
Legal description of inundated area by 40 tract(s): \_\_\_\_\_

24. EXPLANATORY

The following is set forth to define more clearly the full purpose of this application. Include any supplemental water rights used for the same purpose. (Use additional pages of same size if necessary):

\*\*\*\*\*  
The undersigned hereby acknowledges that even though he/she/they may have been assisted in the preparation of the above-numbered application through the courtesy of the employees of the Division of Water Rights, all responsibility for the accuracy of the information contained herein, at the time of filing, rests with the applicant(s).

Russell S. Fleck  
Signature of Applicant(s)

\_\_\_\_\_  
Cottonwood Creek Consolidated Irrigation Company

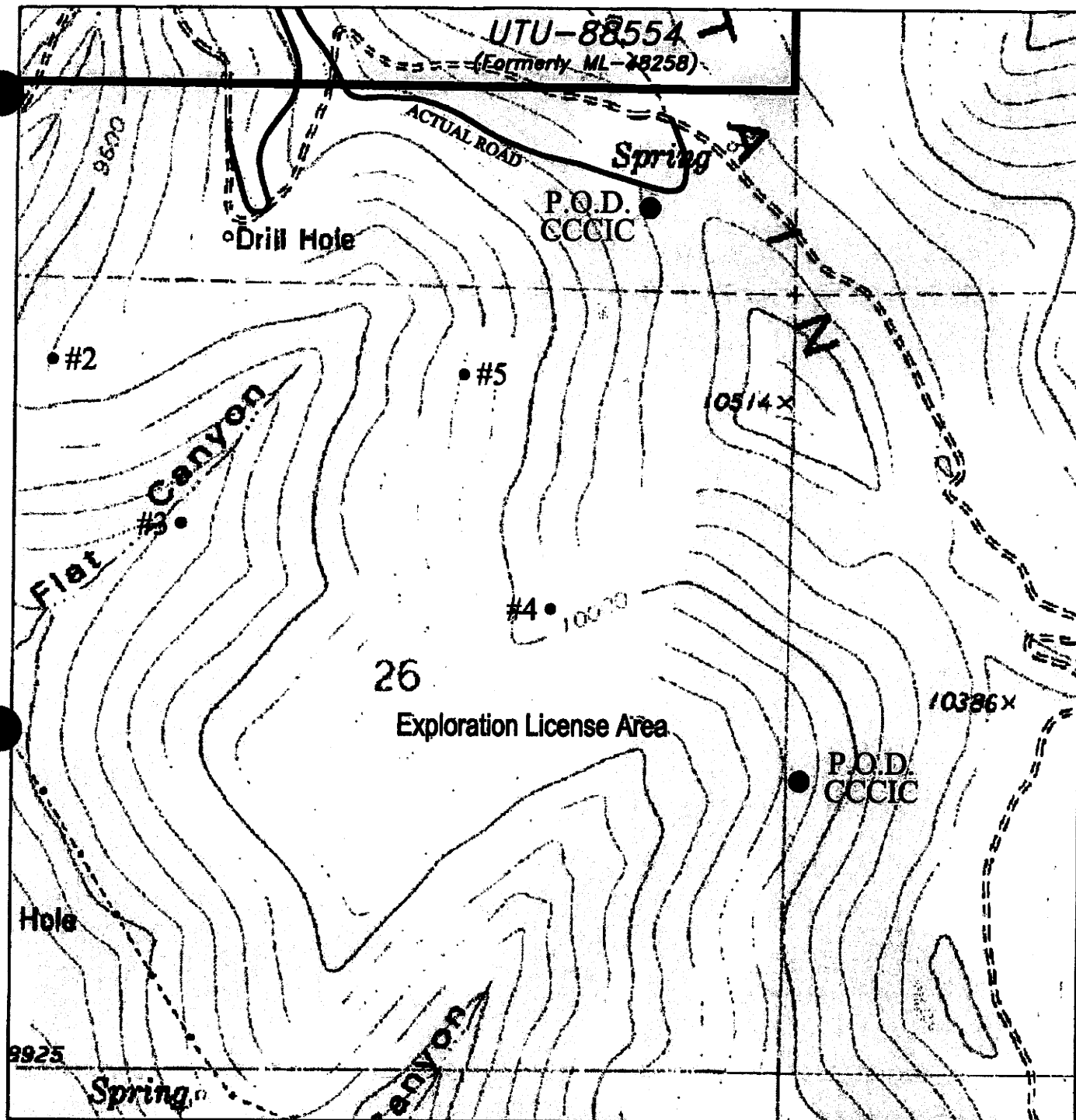


## APPLICANT'S MAP VERIFICATION STATEMENT

"I/we, PacifiCorp - Energy West Mining Company, hereby acknowledge that this map (or, the map attached to this application), consisting of 2 pages numbered \_\_\_\_\_ to \_\_\_\_\_ was prepared in support of Application Number \_\_\_\_\_ (assigned by WR). I/we hereby accept and submit this map as a true representation of the facts shown thereon to the best of my\our knowledge and belief."

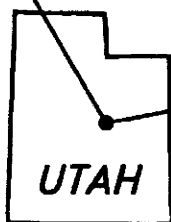
Kenneth S. Flock  
PacifiCorp

Cottonwood Creek Consolidated Irr. Co.



CAD FILE NAME/DISK: POD MAP

#3 • Proposed 2011 Drill Hole



Modified from  
Rilda Quadrangle  
7.5 Minute Series



**ENERGY WEST  
MINING COMPANY**  
A SUBSIDIARY OF PACIFICORP

**2012 COAL EXPLORATION  
EAST MOUNTAIN PROPERTY  
POINT OF DIVERSION MAP**

DRAWN BY: **K. LARSEN**

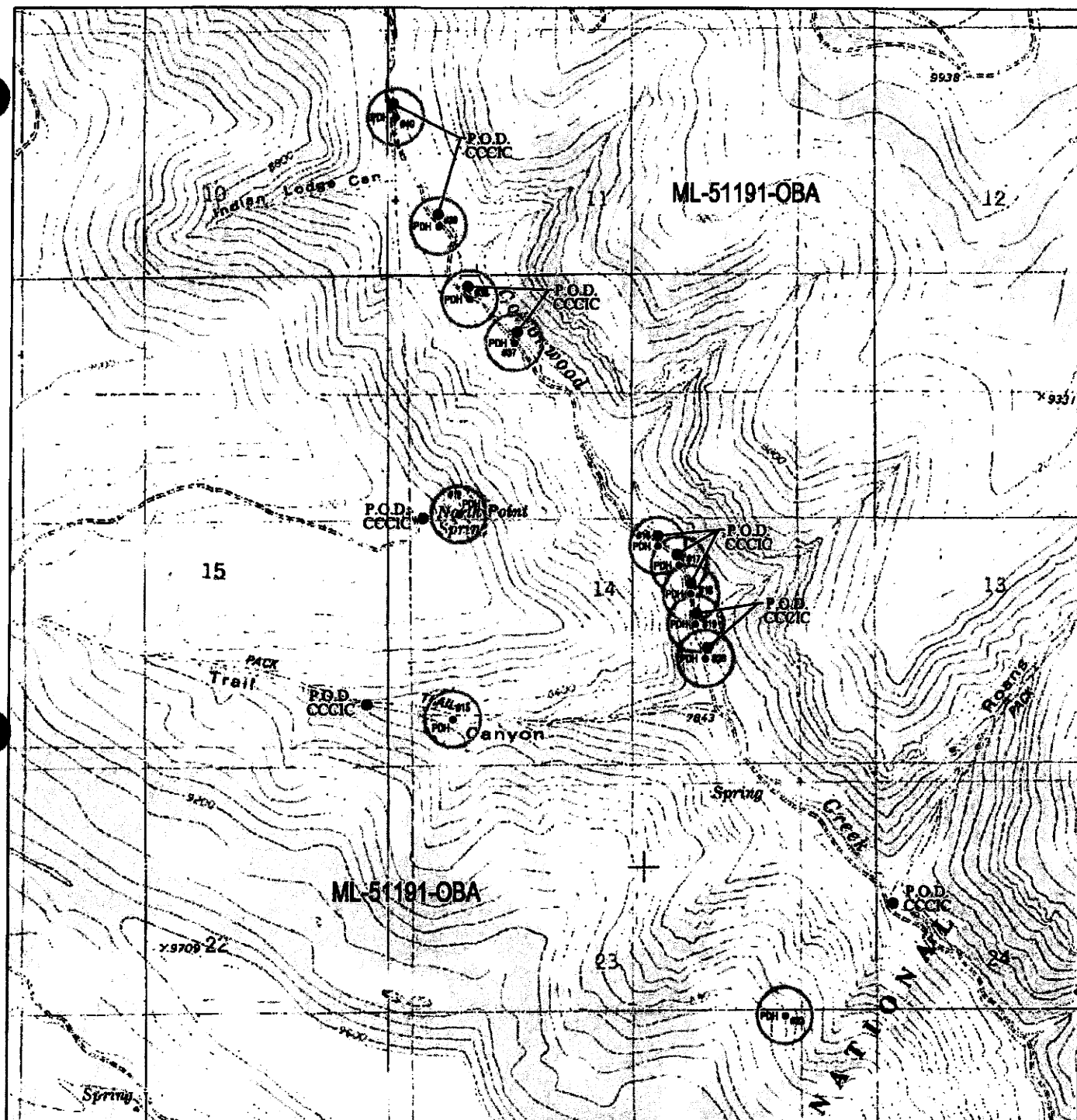
SCALE: **1" = 1000'**

DATE: **NOVEMBER 17, 2011**

DRAWING #:

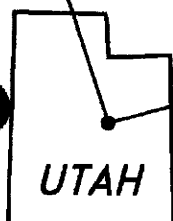
SHEET **1** OF **1**

REV. \_\_\_\_\_



2012 Proposed Coal Exploration Drill Hole

ML-51191-OBA State of Utah Coal Lease Number



UTAH

Modified from  
Rilda Quadrangle  
7.5 Minute Series



T.17S., R.6E.



**FOSSIL ROCK FUELS, LLC**

1407 W. North Temple  
Salt Lake City, UT 84116

**COTTONWOOD TRACT PROJECT  
2012 COAL EXPLORATION  
POINT OF DIVERSION MAP**

DRAWN BY: **KERRY LARSEN**

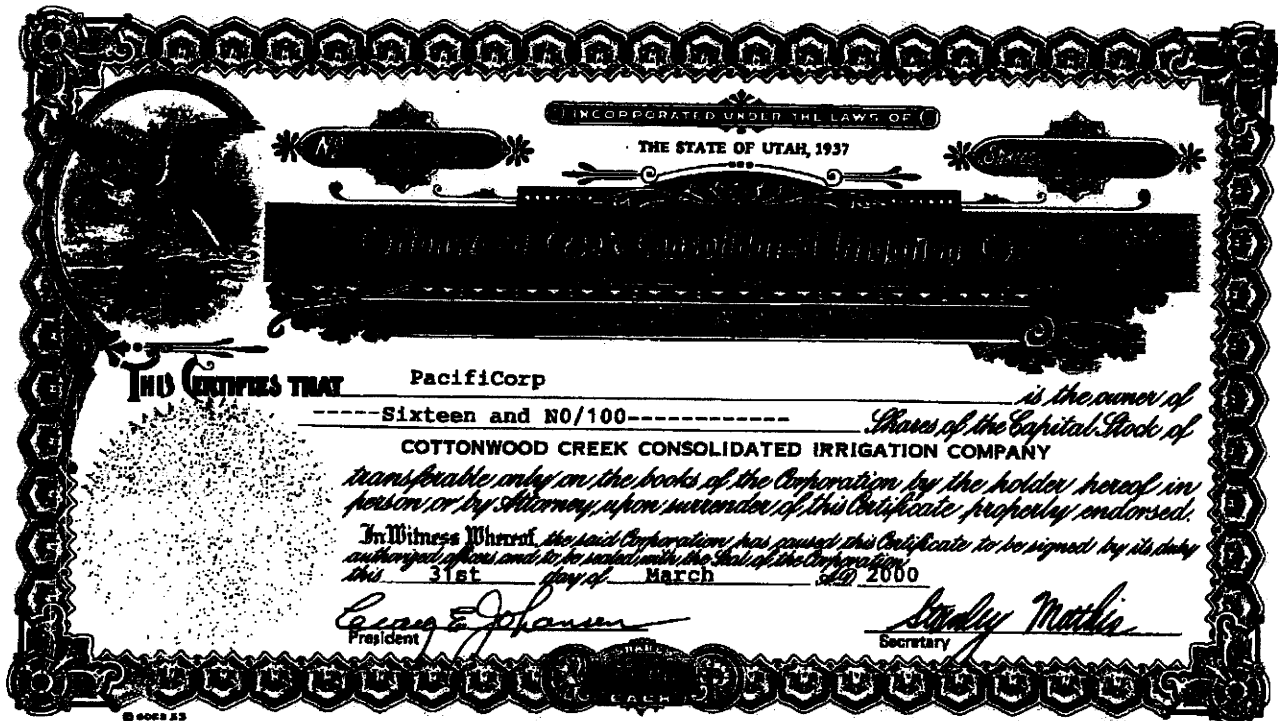
SCALE: **1" = 2000'**

DATE: **NOVEMBER 17, 2011**

DRAWING #:

SHEET **1** OF **1**

REV. **\_\_\_**





GARY R. HERBERT  
Governor  
GREG BELL  
Lieutenant Governor

# State of Utah

## DEPARTMENT OF NATURAL RESOURCES Division of Water Rights

MICHAEL R. STYLER  
Executive Director

KENT L. JONES  
State Engineer/Division Director

### ORDER OF THE STATE ENGINEER

For Temporary Change Application Number 93-243 (t37879)

Temporary Change Application Number 93-243 (t37879) in the names of Energy West, and Huntington Cleveland Irrigation Company, was filed on December 29, 2011, to change the point of diversion, places of use, and uses of 0.86 acre-foot (af) of water as evidenced by Water Right Number 93-243. Heretofore, the water has been diverted from a surface source located North 1740 feet and East 160 feet from the S $\frac{1}{4}$  Corner of Section 9, T17S, R8E, SLB&M (Cleveland Canal). The water has been used for the irrigation of 0.215 acres from March 1 to November 30 within the service area of the Huntington Cleveland Irrigation Company.

Hereafter, it is proposed to divert 0.86 acre-foot of water to points of diversion changed to: (1) Surface - North 2500 feet and West 1100 feet from the SE Corner of Section 23, T16S, R6E, SLB&M; (2) Surface - South 1126 feet and East 1012 feet from the NW Corner of Section 25, T16S, R6E, SLB&M. The water is to be used for coal exploration drilling. The place of use of the water is being changed to all or portion(s) of Section 24, T16S, R6E, SLB&M; and Section 25, T16S, R6E, SLB&M.

Notice of this temporary change application was not published in a newspaper. It is the opinion of the State Engineer that it meets the criteria of Section 73-3-3 of the Utah Code for the approval of temporary change applications.

In evaluating applications, which propose to change the nature of use of a water right, the State Engineer believes it is appropriate to examine the rates and amounts of hydrologic depletion associated with the historic water use as compared to the proposed use to assure that there is no enlargement of the underlying water right. In this case, it is believed that the historic water uses would have incurred the following rates and amounts of hydrologic depletion:

Prior Beneficial Use	Acres	Duty	Connections # of Stock	Allowed Diversion	Rate of Depletion	Amount of Depletion
Irrigation	0.215	4.0		0.8600 af/yr	2.523 af/ac <sup>1</sup>	0.5424 af/yr
			Totals:	0.8600 af/yr		0.5424 af/yr

<sup>1</sup>Consumptive Use of Irrigated Crops in Utah," Research Report 145, Utah Agricultural Experiment Station, Utah State University, Logan, Utah, October 1994, Table 25 "Castle Dale Station.

ORDER OF THE STATE ENGINEER  
Temporary Change Application Number  
93-243 (t37879)  
Page 2

The application proposes the following uses:

Proposed <u>Beneficial Use</u>	Allowed <u>Diversion</u>	Allowed <u>Depletion</u>
Exploration Drilling	0.8600 af/yr	0.5424 af/yr
Totals:	0.8600 af/yr	0.5424 af/yr

Based on the above analysis, it appears that the proposed use(s) will not exceed the hydrologic diversion and depletion limitations associated with the historical uses.

It is, therefore, **ORDERED** and Temporary Change Application Number 93-243 (t37879) is hereby **APPROVED** subject to all prior rights and the following conditions:

- 1) No more water may be diverted during the use period than is represented by the stock in the Huntington-Cleveland Irrigation Company, or the equivalent that is approved by the Company in times of shortage.
- 2) Installation of a totalizing water meter at the expense of the applicants will be required before any water is diverted. Water meter(s) shall be available to the Huntington Creek Commissioner for examination at all reasonable times.
- 3) The water being changed shall be regulated by the Huntington Creek Commissioner at the expense of the applicants.
- 4) Continued ownership of the stock certificates, which represent the underlying right for this change application, shall be required in order to maintain this change application.
- 5) The annual diversion and depletion limits may not exceed 0.86 acre-foot and 0.5424 acre-foot of water respectively.
- 6) **This application shall automatically expire one year from the date of this approval.**

If historical resources such as human remains (skeletons), prehistoric arrowheads/spear points, waste flakes from stone tool production, pottery, ancient fire pits, historical building foundations/remains, artifacts (glass, ceramic, metal, etc.) are found during construction, call the Utah Division of State History at 801-533-3555.

**It is the applicants' responsibility to maintain a current address with this office and to update ownership of their water right. Please notify this office immediately of any change of address or for assistance in updating ownership.**

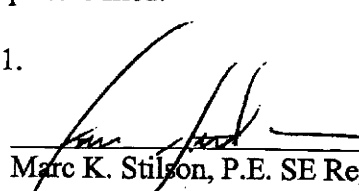


ORDER OF THE STATE ENGINEER  
Temporary Change Application Number  
93-243 (t37879)  
Page 3

Your contact with this office, should you need it, is with the Southeastern Regional Office. The telephone number is 435-613-3750.

This Order is subject to the provisions of Administrative Rule R655-6-17 of the Division of Water Rights and to Sections 63G-4-302, 63G-4-402, and 73-3-14 of the Utah Code which provide for filing either a Request for Reconsideration with the State Engineer or an appeal with the appropriate District Court. A Request for Reconsideration must be filed with the State Engineer within 20 days of the date of this Order. However, a Request for Reconsideration is not a prerequisite to filing a court appeal. A court appeal must be filed within 30 days after the date of this Order, or if a Request for Reconsideration has been filed, within 30 days after the date the Request for Reconsideration is denied. A Request for Reconsideration is considered denied when no action is taken 20 days after the Request is filed.

Dated this 30 day of December, 2011.

  
\_\_\_\_\_  
Marc K. Stilson, P.E. SE Regional Engineer

Mailed a copy of the foregoing Order this \_\_\_\_\_ day of \_\_\_\_\_, 2011 to:

Energy West  
PO Box 310  
Huntington, UT 84528

Huntington Cleveland Irrigation Company  
P.O. Box 327  
Huntington UT 84528

Brett Leamaster, River Commissioner  
PO Box 898  
18 North 400 West  
Huntington, UT 84528

Division of Water Rights  
Distribution Section  
c/o Susan Odekirk  
HUNTINGTON CREEK

Division of Water Rights  
Stream Alteration Section

BY:



\_\_\_\_\_  
Michele Gabb, SE Regional Secretary



GARY R. HERBERT

Governor

GREG BELL

Lieutenant Governor

# State of Utah

DEPARTMENT OF NATURAL RESOURCES

Division of Water Rights

MICHAEL R. STYLER

Executive Director

KENT L. JONES

State Engineer/Division Director

>>>>>>>OFFICIAL RECEIPT<<<<<<<<

RECEIPT No. 11-05120

DATE: December 30, 2011

RECEIVED FROM:

ENERGY WEST  
PO BOX 310  
HUNTINGTON, UT 84528

NATURE OF SERVICE:

Change Application

93-243(t37879)

FEE:

150.00

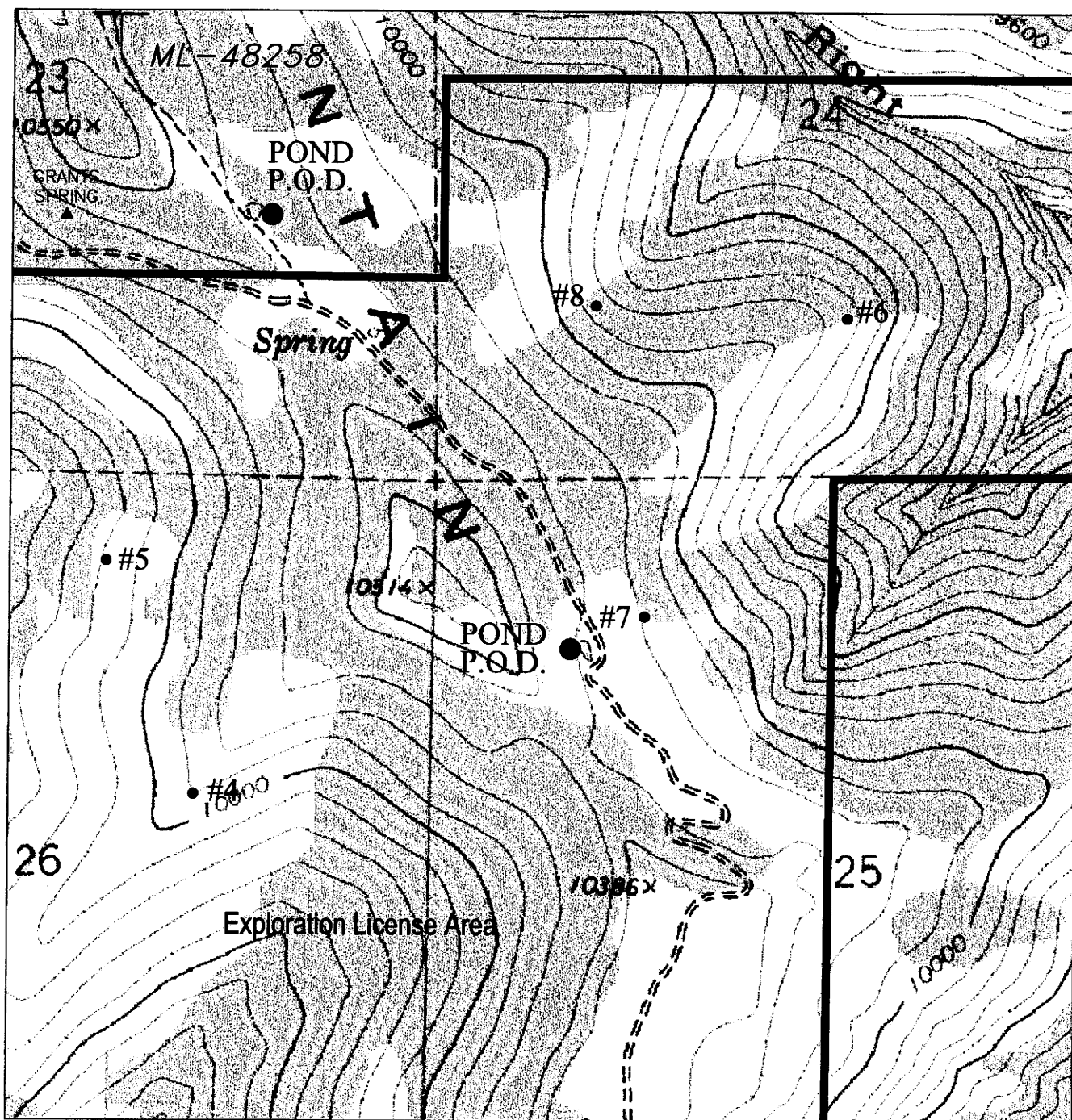
TOTAL:

\$150.00

METHOD OF PAYMENT: Check 2322

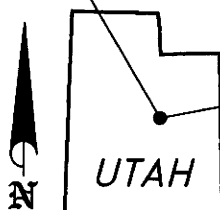
RECEIVED BY:

MGABB




CAD FILE NAME/DISK#: POD MAP

#3 • Proposed 2011 Drill Hole



Modified from  
Rilda Quadrangle  
7.5 Minute Series

 <b>ENERGY WEST MINING COMPANY</b> A SUBSIDIARY OF PACIFICORP	
2012 COAL EXPLORATION EAST MOUNTAIN PROPERTY POINT OF DIVERSION MAP	
DRAWN BY: K. LARSEN	.....
SCALE: 1" = 1000'	DRAWING #:
DATE: NOVEMBER 17, 2011	SHEET 1 OF 1 REV. _____



P.O. Box 310  
15 North Main Street  
Huntington, Utah 84528

December 28, 2011

Mr. Marc Stilson  
Price Regional Engineer  
UTAH DIVISION OF WATER RIGHTS  
319 North Carbonville Road, Suite B  
Price, UT 84501

RE: Request for Temporary Change of Water - 2012 Exploration License Drilling Program

Dear Marc:

PacifiCorp proposes to conduct an helicopter assisted minor coal exploration surface drilling program (Federal Exploration License UTU-88021) in Mill Fork and Rilda Canyons. The holes will be drilled between June 1 and November 1, 2012. Recently, Energy West has successfully utilized helicopter supported drilling on coal leases in Mill Fork Canyon. Exploration was conducted in steep terrain in remote areas where road construction was not feasible. Energy West has strategically selected the proposed drill hole locations to minimize environmental impacts and to maximize geologic data. As outlined in the exploration license application submitted to the Bureau of Land Management, no site preparation is necessary, i.e., construction of roads or drill pads. Energy West goes to great extent to minimize environmental impacts that include; drilling technique, site selection, protecting existing vegetation with a protective cover, artificially leveling of the drill site and complete area restoration.

Drilling in the Rilda and Mill Fork Canyon areas will consist of up to seven (7) core holes drilled to analyze seam characteristics and thickness. The proposed sites are situated in Rilda Canyon in Section 24 and 25, Township 16 South, Range 6 East, Salt Lake Base and Meridian.

Exploration License UTU-88021 Temporary Exchange Application  
December 28, 2011  
Page Two

We anticipate that we will use approximately 40,000 gallons of water/hole for a total of 0.86 acre feet. Listed below is the water right, point of diversion and places of use:

**WATER RIGHT #:** 93-243

**POINTS OF DIVERSION:** Rilda Canyon, Sec. 23, 25, T16S, R6E, SLB&M

**POINTS OF USE:** Rilda Canyon, Sec. 24, 25, T16S, R6E, SLB&M

**PERIOD OF USE:** June 1 through November 1, 2012

**EST. QUANTITY:** 0.86 acre feet

Enclosed is an "Application For Temporary Change Of Water" for the 2012 Exploration License Drilling Program along with a check for \$150.00 for the application fee.

If you have any questions or need additional information, please call me at 687-4712.

Sincerely,

*Kenneth S. Fleck*

Kenneth S. Fleck  
Geology and Environmental Affairs Manager  
Energy West Mining Company  
P.O. Box 310  
Huntington, Utah 84528

KSF/ksf  
Enclosures

cc. Chuck Semborski  
Ken Fleck  
Chet Sinquefield

Exploration License UTU-88021 Temporary Exchange Application  
January 20, 2011  
Page Three

**WATER RIGHT 93-243**

**ASSIGNED TEMPORARY APPLICATION NUMBER: (assigned by Water Rights)**

**APPLICATION FOR TEMPORARY CHANGE OF WATER**

**PACIFICORP - ENERGY WEST MINING COMPANY**

**FEDERAL EXPLORATION LICENSE - UTU-88021**

**PLACE OF USE**

Legal description of place of use by 40 acre tract(s):

**Rilda Canyon:**

See Attached Map      Sec. 24,25, T. 16S, R.6E, SLB&M





P.O. Box 310  
15 North Main Street  
Huntington, Utah 84528

November 18, 2011

Mr. Allen Staker

Huntington - Cleveland Irrigation Company  
P.O. Box 327  
71 N. Main Street  
Huntington, UT 84528

RE: Request for Temporary Change of Water - 2012 Energy West Exploration Program

Dear Allen:

PacifiCorp (Energy West Mining Company) proposes to conduct a helicopter assisted minor coal exploration surface drilling program in Rilda and Cottonwood Canyons in 2012. To obtain water necessary for drilling, Energy West needs to apply for a temporary change of water point of diversion for Huntington - Cleveland water shares owned by Utah Power and Light Company. The holes will be drilled between June 1 and November 1, 2011. Total water use for the project is projected to be 0.86 acre-feet or less.

Signing the attached forms will signify that Huntington - Cleveland Irrigation Company is aware of the change of use point and has reviewed the map of the points of diversion. Please sign in the spaces indicated at your earliest convenience and return to Energy West. The water right change application will then be submitted to Utah Division of Water Rights.

If you have any questions or need additional information, please call me at 687-4712.

Sincerely,

Kenneth S. Fleck  
Geology and Environmental Affairs Manager  
Energy West Mining Company  
P.O. Box 310  
Huntington, Utah 84528

KSF/ksf

# APPLICATION FOR TEMPORARY CHANGE OF WATER

## STATE OF UTAH

Rev. by  
Fee Paid \$  
Receipt #  
Microfilmed  
Roll #

For the purpose of obtaining permission to make a temporary change of water in the State of Utah, application is hereby made to the State Engineer, based upon the following showing of facts, submitted in accordance with the requirements of Section 73-3-3 Utah Code Annotated 1953, as amended.

\*WATER RIGHT NO. **93-243**

\*APPLICATION NO. **1**

Changes are proposed in (check those applicable)

**X** point of diversion, **X** place of use, **X** nature of use, **X** period of use

### 1. OWNER INFORMATION

Name: **PacifiCorp - Energy West Mining Co. + Huntington-Cleveland Irrigation Co.** Interest: **?**

Address: **P.O. Box 310** **71 N. Main St. Huntington, Ut. 84528**

City: **Huntington** State: **Utah** Zip Code: **84501**

2. \*PRIORITY OF CHANGE: **November 18, 2011** \*FILING DATE: **November 18, 2011**

3. RIGHT EVIDENCED BY: **93-243 A.H. Christensen Decree**  
**Stock Certificate #1544**

Prior Approved Temporary Change Applications for this right: **t29504, t31166**

### HERETOFORE

4. QUANTITY OF WATER: \_\_\_\_\_ cfs and/or **.86** ac-ft.

5. SOURCE **Huntington Creek & Deer Creek**

6. COUNTY **Emery**

7. POINT(S) OF DIVERSION:

**1) N 1,740 feet E 160 feet from S1/4 corner, Section 9, T 17S, R 8E, SLBM**

Description of Diverting Works: **Portable Pump or Gravity Feed**

### 8. POINT(S) OF REDIVERSION

The water has been rediverted from \_\_\_\_\_ at a point: \_\_\_\_\_

Description of Diverting Works: \_\_\_\_\_

### 9. POINT(S) OF RETURN

The amount of water consumed is \_\_\_\_\_ cfs or **.86** ac-ft.

The amount of water returned is \_\_\_\_\_ cfs or \_\_\_\_\_ ac-ft.

The water has been returned to the natural stream/source at a point(s): \_\_\_\_\_

\*These items are to be completed by the Division of Water Rights.

Temporary Change

10. NATURE AND PERIOD OF USE

Irrigation: From Mar 1 to Nov 14  
Stockwatering: From Jan. 1 to Dec. 31  
Domestic: From Jan. 1 to Dec. 31  
Municipal: From \_\_\_\_\_ to \_\_\_\_\_  
Mining: From \_\_\_\_\_ to \_\_\_\_\_  
Power: From Jan. 1 to Dec. 31  
Other: From \_\_\_\_\_ to \_\_\_\_\_

11. PURPOSE AND EXTENT OF USE

Irrigation: 20,506.96 acres. Soil supply of 9,000 acres.  
Stockwatering (number and kind): Equivalent Livestock Units 3,000  
Domestic: 300 Families and/or \_\_\_\_\_ Persons.  
Municipal (name): \_\_\_\_\_  
Mining: \_\_\_\_\_ Mining District in the \_\_\_\_\_ Mine.  
Ores mined: \_\_\_\_\_  
Power: Plant name: Huntington Plant Type: SG Capacity: 805 MW  
Other (describe): \_\_\_\_\_

12. PLACE OF USE

Legal description of place of use by 40 acre tract(s): \_\_\_\_\_  
Huntington Cleveland Irrigation Company service area under the Cleveland Canal

13. STORAGE

Reservoir Name: \_\_\_\_\_ Storage Period: from \_\_\_\_\_ to \_\_\_\_\_  
Capacity: \_\_\_\_\_ ac-ft. Inundated Area: \_\_\_\_\_ acres.  
Height of dam: \_\_\_\_\_ feet.  
Legal description of inundated area by 40 tract(s): \_\_\_\_\_

\*\*\*\*\* THE FOLLOWING CHANGES ARE PROPOSED \*\*\*\*\*

14. QUANTITY OF WATER: \_\_\_\_\_ cfs and/or .86 ac-ft.

15. SOURCE: Rilda Canyon

Balance of the water will be abandoned: \_\_\_\_\_, or will be used as heretofore: X

16. COUNTY: Emery

17. POINT(S) OF DIVERSION: Sec. 25, T. 16S., R. 6E., SLB&M, 1126' S and 1012' E. of the NW Corner.  
Sec. 23, T. 16S., R. 6E., SLB&M, 1100' W and 2500' N of the SE Corner.

Description of Diverting Works: Portable Pump  
COMMON DESCRIPTION: 12 Miles west of Huntington, Utah, Rilda Canyon Quad

18. POINT(S) OF REDIVERSION

The water will be rediverted from \_\_\_\_\_ at a point: \_\_\_\_\_

Description of Diverting Works: \_\_\_\_\_

19. POINT(S) OF RETURN

The amount of water to be consumed is \_\_\_\_\_ cfs or .86 ac-ft.

The amount of water to be returned is \_\_\_\_\_ cfs or \_\_\_\_\_ ac-ft.

The water will be returned to the natural stream/source at a point(s): \_\_\_\_\_

20. NATURE AND PERIOD OF USE

Irrigation: From \_\_\_/\_\_\_/\_\_\_ to \_\_\_/\_\_\_/\_\_\_  
Stockwatering: From \_\_\_/\_\_\_/\_\_\_ to \_\_\_/\_\_\_/\_\_\_  
Domestic: From \_\_\_/\_\_\_/\_\_\_ to \_\_\_/\_\_\_/\_\_\_  
Municipal: From \_\_\_/\_\_\_/\_\_\_ to \_\_\_/\_\_\_/\_\_\_  
Mining: From \_\_\_/\_\_\_/\_\_\_ to \_\_\_/\_\_\_/\_\_\_  
Power: From \_\_\_/\_\_\_/\_\_\_ to \_\_\_/\_\_\_/\_\_\_  
Other: Drilling From 6 / 1 / 12 to 11 / 1 / 12

21. PURPOSE AND EXTENT OF USE

Irrigation: \_\_\_\_\_ acres. Sole supply of \_\_\_\_\_ acres.  
Stockwatering (number and kind): \_\_\_\_\_  
Domestic: \_\_\_\_\_ Families and/or \_\_\_\_\_ Persons.  
Municipal (name): \_\_\_\_\_  
Mining: \_\_\_\_\_ Mining District at the \_\_\_\_\_ Mine.  
Ores mined: \_\_\_\_\_  
Power: Plant name: \_\_\_\_\_ Type: \_\_\_\_\_ Capacity: \_\_\_\_\_  
Other (describe): Coal Exploration Drilling

22. PLACE OF USE

Legal description of place of use by 40 acre tract(s): See Attached Map

23. STORAGE

Reservoir Name: \_\_\_\_\_ Storage Period: from \_\_\_\_\_ to \_\_\_\_\_  
Capacity: \_\_\_\_\_ ac-ft. Inundated Area: \_\_\_\_\_ acres.  
Height of dam: \_\_\_\_\_ feet.  
Legal description of inundated area by 40 tract(s): \_\_\_\_\_

24. EXPLANATORY

The following is set forth to define more clearly the full purpose of this application. Include any supplemental water rights used for the same purpose. (Use additional pages of same size if necessary): \_\_\_\_\_

\*\*\*\*\*  
The undersigned hereby acknowledges that even though he/she/they may have been assisted in the preparation of the above-numbered application through the courtesy of the employees of the Division of Water Rights, all responsibility for the accuracy of the information contained herein, at the time of filing, rests with the applicant(s).

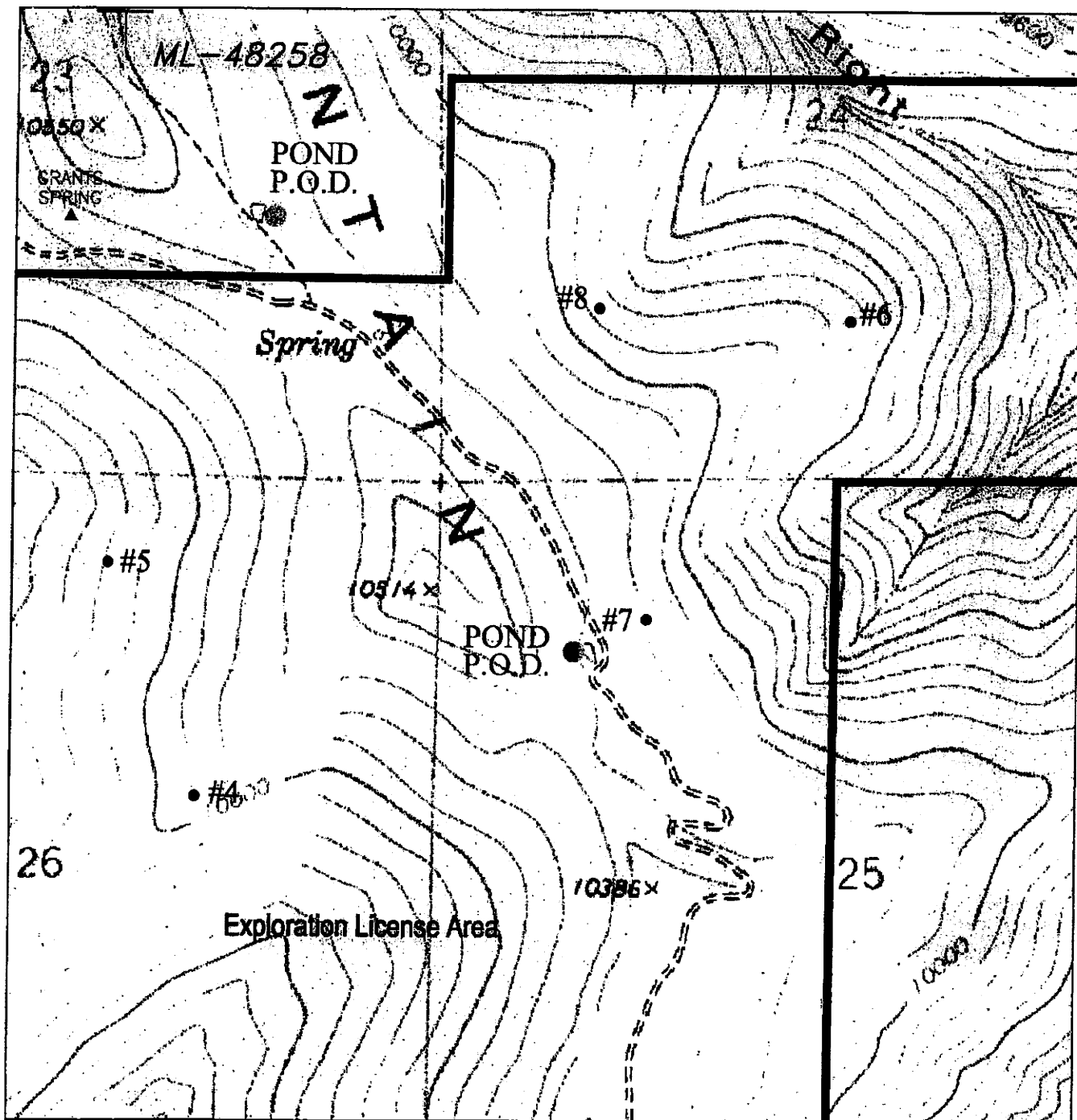
Kenneth S. Fleck  
Signature of Applicant(s)

James Allen Stahl  
Huntington-Cleveland Irrigation Company

## APPLICANT'S MAP VERIFICATION STATEMENT

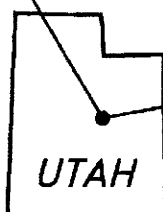
"I/we, PacifiCorp - Energy West Mining Company, hereby acknowledge that this map (or, the map attached to this application), consisting of 1 pages numbered \_\_\_\_\_ to \_\_\_\_\_ was prepared in support of Application Number 93-243 (assigned by WR). I/we hereby accept and submit this map as a true representation of the facts shown thereon to the best of my\our knowledge and belief."

*Kenneth S. Flock*  
*James Allen Stark*  
PacifiCorp  
Huntington-Cleveland Irrigation Co.



CAD FILE NAME/DISK#: POD MAP

#3 • Proposed 2011 Drill Hole



UTAH

Modified from  
Rilda Quadrangle  
7.5 Minute Series



**ENERGY WEST  
MINING COMPANY**  
A SUBSIDIARY OF PACIFICORP

**2012 COAL EXPLORATION  
EAST MOUNTAIN PROPERTY  
POINT OF DIVERSION MAP**

DRAWN BY: **K. LARSEN**

SCALE: **1"=1000'**

DATE: **NOVEMBER 17, 2011**

.....

DRAWING #:

SHEET **1** OF **1**

REV. \_\_\_\_\_



LaVon Day

UTAH

NUMBER \_\_\_\_\_

SHARES \_\_\_\_\_

**This Certifies That** \_\_\_\_\_ **IS THE OWNER OF**

Twenty Three and no/100 \* \* \* \* \* SHARES OF THE CLASS A CAPITAL STOCK OF

**CLARK**

HUNTINGTON, UTAH, A LIMITED COMPANY

TRANSFERABLE ONLY ON THE BOOKS OF THE CORPORATION ON SUPPLY OF THIS CERTIFICATE PROPERLY ENDORSED.

In Witness Whereof, the said Corporation has caused this Certificate to be signed by its duly authorized officers and its Corporate Seal to be hereunto affixed

this \_\_\_\_\_ 19th \_\_\_\_\_ day of \_\_\_\_\_ A.D. 1979

*Donald B. Allen*  
SECRETARY

*Don B. Allen*  
PRESIDENT

64443 240

**NOTICE OF INTENT TO CONDUCT  
MINOR COAL EXPLORATION  
FEDERAL COAL LEASE U-084924**

**APPENDIX 4  
MSDS SHEETS FOR PLATINUM PAC AND POLY  
PLUS**

*August, 2012*

*PacifiCorp*

**MATERIAL SAFETY DATA SHEET**

MSDS NO. 12391

Trade Name: PLATINUM PAC\*

Revision Date: 11/30/2004

**1. CHEMICAL PRODUCT AND COMPANY IDENTIFICATION**

Trade Name: PLATINUM PAC\*  
Chemical Family: Polysaccharide  
Product Use: Oil well drilling fluid additive.  
Emergency Telephone (24 hr.): 281-561-1600

Supplied by: M-I HDD MINING & WATERWELL  
A Business Unit of M-I L.L.C.  
P.O. Box 42842  
Houston, TX 77242  
www.drilling-fluids.com

JOHN M. HOWA & SONS, INC.  
651 N. CARBONVILLE ROAD  
PRICE, UTAH 84501  
(435) 637-2012

Telephone Number: 281-561-1512  
Contact Person: Joanne Galvan, Product Safety Specialist

Revision Number: 0

**HMIS Rating**

Health: 1      Flammability: 1      Physical Hazard: 0      PPE: E

HMIS Key: 4=Severe, 3=Serious, 2=Moderate, 1=Slight, 0=Minimal Hazard. \*Chronic effects - See Section 11. See Section 8 for Personal Protective Equipment recommendations.

**2. HAZARDS IDENTIFICATION**

Emergency Overview: Caution! May cause mechanical irritation of eyes, skin and respiratory tract. Long term inhalation of particulates may cause lung damage.

Canadian Classification:  
UN PIN No: Not regulated

WHMIS Class: Not a controlled product.

Physical State: Powder, dust.      Odor: Odorless      Color: White to Light Yellow

**Potential Health Effects:**

**Acute Effects**

Eye Contact: May cause mechanical irritation  
Skin Contact: May cause mechanical irritation.  
Inhalation: May cause mechanical irritation.  
Ingestion: May cause gastric distress, nausea and vomiting if ingested.

Carcinogenicity & Chronic Effects: See Section 11 - Toxicological Information.

Routes of Exposure: Eyes. Dermal (skin) contact. Inhalation.

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# MATERIAL SAFETY DATA SHEET

Trade Name: PLATINUM PAC\*

Revision Date: 11/30/2004

MSDS NO. 12391

Target Organs/Medical  
Conditions Aggravated by  
Overexposure:

Eyes. Skin. Respiratory System.

Page 2/5

## 3. COMPOSITION/INFORMATION ON INGREDIENTS

Ingredient	CAS No.	Wt. %	Comments:
Carboxymethylcellulose sodium salt	9004-32-4	100	No comments.

## 4. FIRST AID MEASURES

**Eye Contact:** Promptly wash eyes with lots of water while lifting eye lids. Continue to rinse for at least 15 minutes. Get medical attention if any discomfort continues.

**Skin Contact:** Wash skin thoroughly with soap and water. Remove contaminated clothing and launder before reuse. Get medical attention if any discomfort continues.

**Inhalation:** Move person to fresh air. If not breathing, give artificial respiration. If breathing is difficult, give oxygen. Get medical attention.

**Ingestion:** Dilute with 2 - 3 glasses of water or milk, if conscious. Never give anything by mouth to an unconscious person. If signs of irritation or toxicity occur seek medical attention.

**General Notes:** Persons seeking medical attention should carry a copy of this MSDS with them.

## 5. FIRE FIGHTING MEASURES

### Flammable Properties

**Flash Point: F (C):** NA

**Flammable Limits in Air - Lower (%):** ND

**Flammable Limits in Air - Upper (%):** ND

**Autoignition Temperature: F (C):** ND

**Flammability Class:** NA

**Other Flammable Properties:** Particulate may accumulate static electricity. Dusts at sufficient concentrations can form explosive mixtures with air.

**Extinguishing Media:** Use extinguishing media appropriate for surrounding fire.

### Protection Of Fire-Fighters:

**Special Fire-Fighting Procedures:** Do not enter fire area without proper personal protective equipment, including NIOSH/MSHA approved self-contained breathing apparatus. Evacuate area and fight fire from a safe distance. Water spray may be used to keep fire-exposed containers cool. Keep water run off out of sewers and waterways.

**Hazardous Combustion Products:** Oxides of: Carbon.

## 6. ACCIDENTAL RELEASE MEASURES

**Personal Precautions:** Use personal protective equipment identified in Section 8.

**Spill Procedures:** Evacuate surrounding area, if necessary. Wet product may create a slipping hazard. Contain spilled material. Avoid the generation of dust. Sweep, vacuum, or shovel and place into closable container for disposal.

**Environmental Precautions:** Do not allow to enter sewer or surface and subsurface waters. Waste must be disposed of in accordance with federal, state and local laws.

# MATERIAL SAFETY DATA SHEET

Trade Name: PLATINUM PAC\*

MSDS NO. 12391

Revision Date: 11/30/2004

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## 7. HANDLING AND STORAGE

**Handling:** Put on appropriate personal protective equipment. Avoid contact with skin and eyes. Avoid generating or breathing dust. Product is slippery if wet. Use only with adequate ventilation. Wash thoroughly after handling.

**Storage:** Store in dry, well-ventilated area. Keep container closed. Store away from incompatibles. Follow safe warehousing practices regarding palletizing, banding, shrink-wrapping and/or stacking.

## 8. EXPOSURE CONTROLS/PERSONAL PROTECTION

Exposure Limits (TLV & PEL - 8H TWA):

Ingredient	CAS No.	Wt. %	ACGIH TLV	OSHA PEL	Other	Notes
Carboxymethylcellulose sodium salt	9004-32-4	100	NA	NA	NA	(1)

### Notes

(1) Control as an ACGIH particulate not otherwise specified (PNOS): 10 mg/m<sup>3</sup> (Inhalable); 3 mg/m<sup>3</sup> (Respirable) and an OSHA particulate not otherwise regulated (PNOR): 15 mg/m<sup>3</sup> (Total); 5 mg/m<sup>3</sup> (Respirable).

**Engineering Controls:** Use appropriate engineering controls such as, exhaust ventilation and process enclosure, to ensure air contamination and keep workers exposure below the applicable limits.

### Personal Protection Equipment

**Eye/Face Protection:** Dust resistant safety goggles.

**Skin Protection:** Not normally necessary. If needed to minimize irritation: Wear appropriate clothing to prevent repeated or prolonged skin contact. Wear chemical resistant gloves such as: Nitrile. Neoprene.

**Respiratory Protection:** If exposed to particulates/aerosols:  
Use at least a NIOSH-approved N95 half-mask disposable particulate respirator. In work environments containing oil mist/aerosol use at least a NIOSH-approved P95 half-mask disposable or reuseable particulate respirator.  
If exposed to organic vapors:  
Use a NIOSH/MSHA-approved organic vapor respirator. CCROV: CCR with organic vapor cartridge.  
A NIOSH/MSHA approved respirator with ammonia/methylamine cartridges should be used to protect against ammonia or amine inhalation exposure.

Refer to Exposure Limits table (Section 8) for component specific respiratory protection recommendations.

**General Hygiene Considerations:** Work clothes should be washed separately at the end of each work day. Disposable clothing should be discarded, if contaminated with product.

## 9. PHYSICAL AND CHEMICAL PROPERTIES

**Color:** White to Light Yellow  
**Odor:** Odorless  
**Physical State:** Powder, dust.  
**pH:** 6.0 - 8.5 (1% solution)  
**Specific Gravity (H<sub>2</sub>O = 1):** 0.3 - 0.5  
**Solubility (Water):** Soluble.  
**Flash Point: F (C):** NA  
**Melting/Freezing Point:** ND  
**Boiling Point:** ND

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# MATERIAL SAFETY DATA SHEET

Trade Name: PLATINUM PAC\*

Revision Date: 11/30/2004

MSDS NO. 12391

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Vapor Pressure: NA  
Vapor Density (Air=1): NA  
Evaporation Rate: NA  
Odor Threshold(s): ND

## 10. STABILITY AND REACTIVITY

Chemical Stability: Stable  
Conditions to Avoid: Keep away from heat, sparks and flame.  
Materials to Avoid: Oxidizers.  
Hazardous Decomposition Products: For thermal decomposition products, see Section 5.  
Hazardous Polymerization: Will not occur

## 11. TOXICOLOGICAL INFORMATION

Component Toxicological Data: Any adverse component toxicological effects are listed below. If no effects are listed, no such data were found.

Ingredient	CAS No.	Acute Data
Carboxymethylcellulose sodium salt	9004-32-4	Oral LD50: 27000 mg/kg (rat); Dermal LD50: >2000 mg/kg (rabbit); LC50: >5800 mg/m <sup>3</sup> /4H (rat)

Ingredient	Component Toxicological Summary
Carboxymethylcellulose sodium salt	Rats fed diets containing 2.5, 5 and 10% of this component for 3 months demonstrated some kidney effects. Effects were believed to be related to high sodium content of diet. (Food Chem. Toxicol.)

### Product Toxicological Information:

Long term inhalation of particulate can cause irritation, inflammation and/or permanent injury to the lungs. Illnesses such as pneumoconiosis ("dusty lung"), pulmonary fibrosis, chronic bronchitis, emphysema and bronchial asthma may develop.

## 12. ECOLOGICAL INFORMATION

Product Ecotoxicity Data: Contact M-I Environmental Affairs Department for available product ecotoxicity data.

Biodegradation: ND  
Bioaccumulation: ND  
Octanol/Water Partition Coefficient: ND

## 13. DISPOSAL CONSIDERATIONS

Waste Classification: This product does not meet the criteria of a hazardous waste if discarded in its purchased form.

Waste Management: Under U.S. Environmental Protection Agency (EPA) Resource Conservation and Recovery Act (RCRA), it is the responsibility of the user to determine at the time of disposal, whether the product meets RCRA criteria for the hazardous waste. This is because product uses, transformations, mixtures, processes, etc., may render the resulting materials hazardous. Empty containers retain residues. All labeled precautions must be observed.

Disposal Method: Recover and reclaim or recycle, if practical. Should this product become a waste, dispose of in a permitted industrial landfill. Ensure that the containers are empty by the RCRA criteria prior to disposal in a permitted industrial landfill.

# MATERIAL SAFETY DATA SHEET

MSDS NO. 12391

Trade Name: PLATINUM PAC\*

Revision Date: 11/30/2004

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## 14. TRANSPORT INFORMATION

U.S. DOT Shipping Description:	Not regulated for transportation by DOT, TDG, IMDG, ICAO/IATA.
Canada TDG Shipping Description:	Not regulated.
UN PIN No:	Not regulated
IMDG Shipping Description:	Not regulated.
ICAO/IATA Shipping Description:	Not regulated.

## 15. REGULATORY INFORMATION

### U.S. Federal and State Regulations

SARA 311/312 Hazard Categories: Not a SARA 311/312 hazard.

SARA 302/304, 313; CERCLA RQ, Note: If no components are listed below, this product is not subject to the referenced California Proposition 65: SARA and CERCLA regulations and is not known to contain a Proposition 65 listed chemical at a level that is expected to pose a significant risk under anticipated use conditions.

### International Chemical Inventories

Australia AICS - Components are listed or exempt from listing.  
Canada DSL - Components are listed or exempt from listing.  
China Inventory - Components are listed or exempt from listing.  
European Union EINECS - Components are listed or exempt from listing.  
Japan METI ENCS - Components are listed or exempt from listing.  
Korea TCCL ECL - Components are listed or exempt from listing.  
Philippine PICCS - Components are listed or exempt from listing.  
U.S. TSCA - Components are listed or exempt from listing.  
U.S. TSCA - No components are subject to TSCA 12(b) export notification requirements.

### Canadian Classification:

Controlled Products Regulations Statement: This product has been classified in accordance with the hazard criteria of the CPR and the MSDS contains all the information required by the CPR.

WHMIS Class: Not a controlled product.

## 16. OTHER INFORMATION

The following sections have been revised: New issue

NA - Not Applicable, ND - Not Determined.

\*A mark of M-I L.L.C.

### **Disclaimer:**

MSDS furnished independent of product sale. While every effort has been made to accurately describe this product, some of the data are obtained from sources beyond our direct supervision. We can not make any assertions as to its reliability or completeness; therefore, user may rely on it only at user's risk. We have made no effort to censor or conceal deleterious aspects of this product. Since we cannot anticipate or control the conditions under which this information and product may be used, we make no guarantee that the precautions we have suggested will be adequate for all individuals and/or situations. It is the obligation of each user of this product to comply with the requirements of all applicable laws regarding use and disposal of this product. Additional information will be furnished upon request to assist the user; however, no warranty, either expressed or implied, nor liability of any nature with respect to this product or to the data herein is made or incurred hereunder.

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(435) 637-2012





# SAFETY DATA SHEET

## POLY-PLUS (LIQUID)

### 1. IDENTIFICATION OF THE SUBSTANCE/PREPARATION AND COMPANY/UNDERTAKING

**PRODUCT NAME:** POLY-PLUS (LIQUID)  
**APPLICATIONS:** Flocculant  
**SUPPLIER:** M-1 Drilling Fluids UK Ltd,  
Pocra Quay,  
Footdee,  
Aberdeen. AB11 5DQ  
Tel: 44 (0)1224 - 584336  
Fax: 44 (0)1224 - 576119  
**EMERGENCY TELEPHONES:** 001 281 561 1600 (USA)

JOHN M. HOWA & SONS, INC.  
651 N. CARBONVILLE ROAD  
PRICE, UTAH 84501  
(435) 637-2012

### 2. COMPOSITION/INFORMATION ON INGREDIENTS

NAME	EINECS Nr.:	CLASSIFICATION	CONTENT
CAS No.: DISTILLATES (PETROLEUM), HYDROTREATED LIGHT; KEROSENE - UNSPECIFIED 64742-47-8	265-149-8	Xn R-65.66	20-30 %

The Full Text for all R-Phrases are Displayed in Section 16

**COMPOSITION COMMENTS:** This product is classified as an irritant according to the EU Directives.

### 3. HAZARDS IDENTIFICATION

Irritating to skin.

### 4. FIRST AID MEASURES

**INHALATION:** Move the exposed person to fresh air at once. Keep the affected person warm and at rest. Get prompt medical attention.

**INGESTION:** DO NOT induce vomiting. Get medical attention immediately. Rinse mouth thoroughly with water and give large amounts of milk or water to people not unconscious.

**SKIN:** Wash off promptly and flush contaminated skin with water. Promptly remove clothing if soaked through and flush skin with water. Get medical attention if irritation persists after washing.

**EYES:** Promptly wash eyes with plenty of water while lifting the eye lids. Get medical attention promptly if symptoms occur after washing. Continue to rinse for at least 15 minutes.

## 5. FIRE FIGHTING MEASURES

### EXTINGUISHING MEDIA:

Water spray. Powder, foam or CO<sub>2</sub>.

### SPECIAL FIRE FIGHTING PROCEDURES:

Use water to keep fire exposed containers cool and disperse vapours.  
Use supplied air respirator if substance is involved in a fire.

### HAZARDOUS COMBUSTION PRODUCTS:

Fire or high temperatures create: Oxides of: Carbon, Nitrogen.

## 6. ACCIDENTAL RELEASE MEASURES

### SPILL CLEANUP METHODS:

Absorb in vermiculite, dry sand or earth and place into containers. Flush clean with lots of water. Be aware of potential for surfaces to become slippery. Do not let washing down water contaminate ponds or waterways.

## 7. HANDLING AND STORAGE

### USAGE PRECAUTIONS:

Avoid spilling, skin and eye contact. Ventilate well, avoid breathing vapours. Use approved respirator if air contamination is above accepted level.

### STORAGE PRECAUTIONS:

Keep in cool, dry, ventilated storage and closed containers. Keep in original container.

## 8. EXPOSURE CONTROLS AND PERSONAL PROTECTION

### INGREDIENT NAME:

DISTILLATES (PETROLEUM), HYDROTREATED  
LIGHT; KEROSENE - UNSPECIFIED

CAS No.:

84742-47-8

STD

OES

LT EXP 8 Hrs

5 mg/m<sup>3</sup>

ST EXP 15 Min

10 mg/m<sup>3</sup>

### PROTECTIVE EQUIPMENT:



### VENTILATION:

No specific ventilation requirements noted, but forced ventilation may still be required if air contamination exceeds acceptable level.

### RESPIRATORS:

Wear mask supplied with: Gas cartridge (organic substances).

### PROTECTIVE GLOVES:

Use protective gloves made of: Impermeable material. Rubber, neoprene or PVC.

### EYE PROTECTION:

Wear approved, tight fitting safety glasses where splashing is probable.

### OTHER PROTECTION:

Wear appropriate clothing to prevent any possibility of liquid contact and repeated or prolonged vapour contact. Provide eyewash station.

## 9. PHYSICAL AND CHEMICAL PROPERTIES

### APPEARANCE:

Liquid. Viscous.

COLOUR:	White. Milky.	
ODOUR/TASTE:	Hydrocarbon. Ammonia.	
DENSITY/SPECIFIC GRAVITY (g/ml):	1 - 1.1	Temperature (°C):
VAPOUR PRESSURE:	0.002 mmHg	Temperature (°C): 20
pH-VALUE, CONC. SOLUTION:	6 - 8	
SOLUBILITY DESCRIPTION:	Disperses.	
SOLUBILITY VALUE (g/100g H <sub>2</sub> O 20°C):	5	
FLASH POINT (°C):	> 100	Method:
AUTO IGNITION TEMP. (°C):	> 200	

## 10. STABILITY AND REACTIVITY

STABILITY:	Normally stable.
CONDITIONS TO AVOID:	Avoid extremes of temperature.
HAZARDOUS POLYMERIZATION:	Will not polymerize.
MATERIALS TO AVOID:	Strong oxidizing agents.
HAZARDOUS DECOMP. PRODUCTS:	Fire or high temperatures create: Oxides of: Carbon. Nitrogen.

## 11. TOXICOLOGICAL INFORMATION

TOXIC DOSE - LD 50:	> 5000 mg/kg (oral rat)
INHALATION:	Gas or vapour may irritate respiratory system.
INGESTION:	May cause discomfort if swallowed.
SKIN:	Irritating to skin. Acts as a defatting agent on skin. May cause cracking of skin, and eczema.
EYES:	Spray and vapour in the eyes may cause irritation and smarting.

## 12. ECOLOGICAL INFORMATION

Ecotoxicological data	Acute toxicity. LC50 fish > 100 mg/l Calculated
	Biodegradability. OECD-test. > 60% Mineral Oil
	Biodegradability. OECD-test. < 5% Polymer

## 13. DISPOSAL CONSIDERATIONS

**DISPOSAL METHODS:**

Recover and reclaim or recycle, if practical. Dispose of in accordance with Local Authority requirements. This material and its container must be disposed of as hazardous waste.

**14. TRANSPORT INFORMATION**

ROAD TRANSPORT NOTES: Not Classified  
RAIL TRANSPORT NOTES: Not Classified.  
SEA TRANSPORT NOTES: Not Classified.  
AIR TRANSPORT NOTES: Not Classified.

**15. REGULATORY INFORMATION****LABEL FOR SUPPLY:****RISK PHRASES:**

R-38 Irritating to skin.

**SAFETY PHRASES:**

S-26 In case of contact with eyes, rinse immediately with plenty of water and seek medical advice.  
S-28 After contact with skin, wash immediately with water and soap.  
S-23 Do not breathe gas/fumes/vapour/spray.

**EU DIRECTIVES:**

System of specific information relating to Dangerous Preparations. 91/155.

**16. OTHER INFORMATION****USER NOTES:**

HMIS Health - 1 HMIS Flammability - 1 HMIS Physical Hazard - 1 J - Splash Goggles, Gloves, Synthetic Apron, Dust and Vapor Respirator.

**INFORMATION SOURCES:**

Sax's Dangerous Properties of Industrial Materials, 9th ed., Lewis, R.J. Sr., (ed.), VNR, New York, New York, (1997). Material Safety Data Sheet, Misc. manufacturers.

**ISSUED BY:**

Sarah Glover

**REVISION DATE:**

05-11-03

**REV. No./REPL. SDS GENERATED:**

4

**PRINTING DATE:**

2003-11-05

**R-PHRASES (Full Text):**

R-65 Harmful: may cause lung damage if swallowed. R-66 Repeated exposure may cause skin dryness or cracking.

**DISCLAIMER:**

MSDS furnished independent of product sale. While every effort has been made to accurately describe this product, some of the data are obtained from sources beyond our direct supervision. We cannot make any assertions as to its reliability or completeness; therefore, user may rely on it only at user's risk. We have made no effort to censor or conceal deleterious aspects of this product. Since we cannot anticipate or control the conditions under which this information and product may be used, we make no guarantee that the precautions we have suggested will be

adequate for all individuals and/or situations. It is the obligation of each user of this product to comply with the requirements of all applicable laws regarding use and disposal of this product. Additional information will be furnished upon request to assist the user; however, no warranty, either expressed or implied, nor liability of any nature with respect to this product or to the data herein is made or incurred hereunder.

**NOTICE OF INTENT TO CONDUCT  
MINOR COAL EXPLORATION  
FEDERAL COAL LEASE U-084924**

**APPENDIX 5  
CURRENT THREATENED AND ENDANGERED  
SPECIES LIST  
DIVISION OF WILDLIFE RESOURCES**

*August, 2012*

*PacifiCorp*

## County Lists of Utah's Federally Listed Threatened(T), Endangered(E), and Candidate(C) Species

Disclaimer: This list was compiled using known species occurrences and species observations from the Utah Natural Heritage Program's Biodiversity Tracking and Conservation System (BIOTICS); other federally listed species likely occur in Utah Counties. This list includes both current and historic records. (Last updated on January 12, 2012).

### Beaver County

<u>Common Name</u>	<u>Scientific Name</u>	<u>Status</u>
Greater Sage-grouse	<i>Centrocercus urophasianus</i>	C
Utah Prairie-dog	<i>Cynomys parvidens</i>	T
Least Chub	<i>lotichthys phlegethontis</i>	C
Ostler Peppergrass	<i>Lepidium ostleri</i>	C
Frisco Clover	<i>Trifolium friscanum</i>	C
Frisco Buckwheat	<i>Eriogonum soredium</i>	C

### Box Elder County

<u>Common Name</u>	<u>Scientific Name</u>	<u>Status</u>
Goose Creek Milkvetch	<i>Astragalus anserinus</i>	C
Least Chub	<i>lotichthys phlegethontis</i>	C
Lahontan Cutthroat Trout	<i>Oncorhynchus clarkii henshawii</i>	T
June Sucker	<i>Chasmistes liorus</i>	E
Greater Sage-grouse	<i>Centrocercus urophasianus</i>	C
Yellow-billed Cuckoo	<i>Coccyzus americanus</i>	C
Gray Wolf	<i>Canis lupus</i>	E

### Cache County

<u>Common Name</u>	<u>Scientific Name</u>	<u>Status</u>
Maguire Primrose	<i>Primula maguirei</i>	T
Ute Ladies' Tresses	<i>Spiranthes diluvialis</i>	LT
Greater Sage-grouse	<i>Centrocercus urophasianus</i>	C
Yellow-billed Cuckoo	<i>Coccyzus americanus</i>	C
Brown (Grizzly) Bear	<i>Ursus arctos</i>	T Extirpated
Canada Lynx	<i>Lynx canadensis</i>	T

### Carbon County

<u>Common Name</u>	<u>Scientific Name</u>	<u>Status</u>
Uinta Basin Hookless Cactus	<i>Sclerocactus wetlandicus</i>	T
Graham Beardtongue	<i>Penstemon grahamii</i>	T Proposed
Humpback Chub	<i>Gila cypha</i>	E
Bonytail	<i>Gila elegans</i>	E
Colorado Pikeminnow	<i>Ptychocheilus lucius</i>	E
Razorback Sucker	<i>Xyrauchen texanus</i>	E
Greater Sage-grouse	<i>Centrocercus urophasianus</i>	C
Black-footed Ferret	<i>Mustela nigripes</i>	E Extirpated
Gray Wolf	<i>Canis lupus</i>	E

### Daggett County

<u>Common Name</u>	<u>Scientific Name</u>	<u>Status</u>
Ute Ladies'-tresses	<i>Spiranthes diluvialis</i>	T
Humpback Chub	<i>Gila cypha</i>	E
Colorado Pikeminnow	<i>Ptychocheilus lucius</i>	E



**Daggett County - continued**

<u>Common Name</u>	<u>Scientific Name</u>	<u>Status</u>
Razorback Sucker	<i>Xyrauchen texanus</i>	E
Greater Sage-grouse	<i>Centrocercus urophasianus</i>	C
Black-footed Ferret	<i>Mustela nigripes</i>	E Extirpated
Brown (Grizzly) Bear	<i>Ursus arctos</i>	T Extirpated
Canada Lynx	<i>Lynx canadensis</i>	T

**Davis County**

<u>Common Name</u>	<u>Scientific Name</u>	<u>Status</u>
Least Chub	<i>Notichthys phlegenthontis</i>	C
Yellow-billed Cuckoo	<i>Coccyzus americanus</i>	C

**Duchesne County**

<u>Common Name</u>	<u>Scientific Name</u>	<u>Status</u>
Ute Ladies'-tresses	<i>Spiranthes diluvialis</i>	T
Shrubby Reed-mustard	<i>Glaucocarpum suffrutescens</i>	E
Barneby Ridge-cress	<i>Lepidium barnebyanum</i>	E
Pariette Cactus	<i>Sclerocactus brevispinus</i>	T
Uinta Basin Hookless Cactus	<i>Sclerocactus wetlandicus</i>	T
Graham Beardtongue	<i>Penstemon grahamii</i>	T Proposed
Greater Sage-grouse	<i>Centrocercus urophasianus</i>	C
Yellow-billed Cuckoo	<i>Coccyzus americanus</i>	C
Black-footed Ferret	<i>Mustela nigripes</i>	E Experimental
Gray Wolf	<i>Canis lupus</i>	E
Brown (Grizzly) Bear	<i>Ursus arctos</i>	T Extirpated

**Emery County**

<u>Common Name</u>	<u>Scientific Name</u>	<u>Status</u>
Jones Cycladenia	<i>Cycladenia humilis var jonesii</i>	T
Last Chance Townsendia	<i>Townsendia aprica</i>	T
Barneby Reed-mustard	<i>Schoenocrambe barnebyi</i>	E
San Rafael Cactus	<i>Pediocactus despainii</i>	E
Winkler Pincushion Cactus	<i>Pediocactus winkleri</i>	T
Wright Fishhook Cactus	<i>Sclerocactus wrightiae</i>	E
Humpback Chub	<i>Gila cypha</i>	E
Bonytail	<i>Gila elegans</i>	E
Colorado Pikeminnow	<i>Ptychocheilus lucius</i>	E
Razorback Sucker	<i>Xyrauchen texanus</i>	E
Greater Sage-grouse	<i>Centrocercus urophasianus</i>	C
Yellow-billed Cuckoo	<i>Coccyzus americanus</i>	C
Mexican Spotted Owl	<i>Strix occidentalis lucida</i>	T
Black-footed Ferret	<i>Mustela nigripes</i>	E Extirpated
Canada Lynx	<i>Lynx canadensis</i>	T
Gray Wolf	<i>Canis lupus</i>	E

**Garfield County**

<u>Common Name</u>	<u>Scientific Name</u>	<u>Status</u>
Ute Ladies'-tresses	<i>Spiranthes diluvialis</i>	T
Jones Cycladenia	<i>Cycladenia humilis var jonesii</i>	T
Autumn Buttercup	<i>Ranunculus aestivalis</i>	E
Humpback Chub	<i>Gila cypha</i>	E

**Garfield County - continued**

<u>Common Name</u>	<u>Scientific Name</u>	<u>Status</u>
Bonytail	<i>Gila elegans</i>	E
Colorado Pikeminnow	<i>Ptychocheilus lucius</i>	E
Greater Sage-grouse	<i>Centrocercus urophasianus</i>	C
Mexican Spotted Owl	<i>Strix occidentalis lucida</i>	T
Utah Prairie-dog	<i>Cynomys parvidens</i>	T
Brown (Grizzly) Bear	<i>Ursus arctos</i>	T Extirpated

**Grand County**

<u>Common Name</u>	<u>Scientific Name</u>	<u>Status</u>
Jones Cycladenia	<i>Cycladenia humilis var jonesii</i>	T
Humpback Chub	<i>Gila cypha</i>	E
Bonytail	<i>Gila elegans</i>	E
Colorado Pikeminnow	<i>Ptychocheilus lucius</i>	E
Razorback Sucker	<i>Xyrauchen texanus</i>	E
Greater Sage-grouse	<i>Centrocercus urophasianus</i>	C
Gunnison Sage-grouse	<i>Centrocercus minimus</i>	C
Mexican Spotted Owl	<i>Strix occidentalis lucida</i>	T
Yellow-billed Cuckoo	<i>Coccyzus americanus</i>	C
Black-footed Ferret	<i>Mustela nigripes</i>	E Extirpated

**Iron County**

<u>Common Name</u>	<u>Scientific Name</u>	<u>Status</u>
Least Chub	<i>Notichthys phlegethontis</i>	C
Greater Sage-grouse	<i>Centrocercus urophasianus</i>	C
Yellow-billed Cuckoo	<i>Coccyzus americanus</i>	C
Mexican Spotted Owl	<i>Strix occidentalis lucida</i>	T
Utah Prairie-dog	<i>Cynomys parvidens</i>	T
Brown (Grizzly) Bear	<i>Ursus arctos</i>	T Extirpated

**Juab County**

<u>Common Name</u>	<u>Scientific Name</u>	<u>Status</u>
Least Chub	<i>Notichthys phlegethontis</i>	C
Greater Sage-grouse	<i>Centrocercus urophasianus</i>	C
Yellow-billed Cuckoo	<i>Coccyzus americanus</i>	C

**Kane County**

<u>Common Name</u>	<u>Scientific Name</u>	<u>Status</u>
Welsh's Milkweed	<i>Asclepias welshii</i>	T
Kodachrome Bladderpod	<i>Lesquerella tumulosa</i>	E
Siler Pincushion Cactus	<i>Pediocactus sileri</i>	T
Jones Cycladenia	<i>Cycladenia humilis var jonesii</i>	T
Kanab Ambersnail	<i>Oxyloma kanabense</i>	E
Coral Pink Sand Dunes Tiger Beetle	<i>Cicindela limbata albissima</i>	C
Humpback Chub	<i>Gila cypha</i>	E
Bonytail	<i>Gila elegans</i>	E
Greater Sage-grouse	<i>Centrocercus urophasianus</i>	C
Mexican Spotted Owl	<i>Strix occidentalis lucida</i>	T
Southwestern Willow Flycatcher	<i>Empidonax traillii extimus</i>	E
Utah Prairie-dog	<i>Cynomys parvidens</i>	T

**Millard County**Common Name

Least Chub  
Greater Sage-grouse  
Utah Prairie-dog  
Frisco Clover

Scientific Name

*lotichthys phlegethontis*  
*Centrocercus urophasianus*  
*Cynomys parvidens*  
*Trifolium friscanum*

Status

C  
C  
T  
C

**Morgan County**Common Name

Greater Sage-grouse  
Yellow-billed Cuckoo  
Gray Wolf

Scientific Name

*Centrocercus urophasianus*  
*Coccyzus americanus*  
*Canis lupus*

Status

C  
C  
E

**Piute County**Common Name

Greater Sage-grouse  
Utah Prairie-dog  
Brown (Grizzly) Bear

Scientific Name

*Centrocercus urophasianus*  
*Cynomys parvidens*  
*Ursus arctos*

Status

C  
T  
T Extirpated

**Rich County**Common Name

Greater Sage-grouse  
Yellow-billed Cuckoo  
Black-footed Ferret

Scientific Name

*Centrocercus urophasianus*  
*Coccyzus americanus*  
*Mustela nigripes*

Status

C  
C  
E Extirpated

**Salt Lake County**Common Name

Ute Ladies'-tresses  
Least Chub  
Greater Sage-grouse  
June Sucker  
Yellow-billed Cuckoo

Scientific Name

*Spiranthes diluvialis*  
*lotichthys phlegethontis*  
*Centrocercus urophasianus*  
*Chasmistes liorus*  
*Coccyzus americanus*

Status

T  
C  
C  
E  
C

**San Juan County**Common Name

Navajo Sedge  
Humpback Chub  
Bonytail  
Colorado Pikeminnow  
Razorback Sucker  
Greater Sage-grouse  
Gunnison Sage-grouse  
Yellow-billed Cuckoo  
Mexican Spotted Owl  
Southwestern Willow Flycatcher  
Black-footed Ferret  
Gray Wolf

Scientific Name

*Carex specuicola*  
*Gila cypha*  
*Gila elegans*  
*Ptychocheilus lucius*  
*Xyrauchen texanus*  
*Centrocercus urophasianus*  
*Centrocercus minimus*  
*Coccyzus americanus*  
*Strix occidentalis lucida*  
*Empidonax traillii extimus*  
*Mustela nigripes*  
*Canis lupus*

Status

T  
E  
E  
E  
E  
C  
C  
C  
T  
E  
E Extirpated  
E

**Sanpete County**Common Name

Heliotrope Milkvetch  
Greater Sage-grouse

Scientific Name

*Astragalus montii*  
*Centrocercus urophasianus*

Status

T  
C

**Sanpete County - continued**

<u>Common Name</u>	<u>Scientific Name</u>	<u>Status</u>
Utah Prairie-dog	<i>Cynomys parvidens</i>	T
Brown (Grizzly) Bear	<i>Ursus arctos</i>	T Extirpated
Canada Lynx	<i>Lynx canadensis</i>	T

**Sevier County**

<u>Common Name</u>	<u>Scientific Name</u>	<u>Status</u>
Last Chance Townsendia	<i>Townsendia aprica</i>	T
Wright Fishhook Cactus	<i>Sclerocactus wrightiae</i>	E
Heliotrope Milkvetch	<i>Astragalus montii</i>	T
Greater Sage-grouse	<i>Centrocercus urophasianus</i>	C
Utah Prairie-dog	<i>Cynomys parvidens</i>	T
Brown (Grizzly) Bear	<i>Ursus arctos</i>	T Extirpated
Canada Lynx	<i>Lynx canadensis</i>	T

**Summit County**

<u>Common Name</u>	<u>Scientific Name</u>	<u>Status</u>
Brown (Grizzly) Bear	<i>Ursus arctos</i>	T Extirpated
Canada Lynx	<i>Lynx canadensis</i>	T
Greater Sage-grouse	<i>Centrocercus urophasianus</i>	C

**Tooele County**

<u>Common Name</u>	<u>Scientific Name</u>	<u>Status</u>
Ute Ladies'-tresses	<i>Spiranthes diluvialis</i>	T
Least Chub	<i>Notichthys phlegethontis</i>	C
Bonytail	<i>Gila elegans</i>	E
Greater Sage-grouse	<i>Centrocercus urophasianus</i>	C
Yellow-billed Cuckoo	<i>Coccyzus americanus</i>	C

**Uintah County**

<u>Common Name</u>	<u>Scientific Name</u>	<u>Status</u>
Ute Ladies'-tresses	<i>Spiranthes diluvialis</i>	T
Shrubby Reed-mustard	<i>Glaucocarpum suffrutescens</i>	E
Clay Reed-mustard	<i>Schoenocrambe argillacea</i>	T
Pariette Cactus	<i>Sclerocactus brevispinus</i>	T
Uinta Basin Hookless Cactus	<i>Sclerocactus wetlandicus</i>	T
White River Beardtongue	<i>Penstemon scariosus var albifluvis</i>	C
Graham Beardtongue	<i>Penstemon grahamii</i>	T Proposed
Humpback Chub	<i>Gila cypha</i>	E
Bonytail	<i>Gila elegans</i>	E
Colorado Pikeminnow	<i>Ptychocheilus lucius</i>	E
Razorback Sucker	<i>Xyrauchen texanus</i>	E
Greater Sage-grouse	<i>Centrocercus urophasianus</i>	C
Yellow-billed Cuckoo	<i>Coccyzus americanus</i>	C
Black-footed Ferret	<i>Mustela nigripes</i>	E Experimental
Brown (Grizzly) Bear	<i>Ursus arctos</i>	T Extirpated
Canada Lynx	<i>Lynx canadensis</i>	T

**Utah County**

<u>Common Name</u>	<u>Scientific Name</u>	<u>Status</u>
Ute Ladies'-tresses	<i>Spiranthes diluvialis</i>	T
Deseret Milkvetch	<i>Astragalus desereticus</i>	T
Clay Phacelia	<i>Phacelia argillacea</i>	E
Least Chub	<i>Notichthys phlegenthontis</i>	C
June Sucker	<i>Chasmistes liorus</i>	E
Greater Sage-grouse	<i>Centrocercus urophasianus</i>	C
Yellow-billed Cuckoo	<i>Coccyzus americanus</i>	C
Brown (Grizzly) Bear	<i>Ursus arctos</i>	T Extirpated

**Wasatch County**

<u>Common Name</u>	<u>Scientific Name</u>	<u>Status</u>
Ute Ladies'-tresses	<i>Spiranthes diluvialis</i>	T
Clay Phacelia	<i>Phacelia argillacea</i>	E
Greater Sage-grouse	<i>Centrocercus urophasianus</i>	C
Yellow-billed Cuckoo	<i>Coccyzus americanus</i>	C
Brown (Grizzly) Bear	<i>Ursus arctos</i>	T Extirpated
Canada Lynx	<i>Lynx canadensis</i>	T

**Washington County**

<u>Common Name</u>	<u>Scientific Name</u>	<u>Status</u>
Siler Pincushion Cactus	<i>Pediocactus sileri</i>	T
Shivwits or Shem Milkvetch	<i>Astragalus ampullarioides</i>	E
Holmgren Milkvetch	<i>Astragalus holmgreniorum</i>	E
Gierisch Mallow	<i>Sphaeralcea gierischii</i>	C
Dwarf Bearclaw-poppy	<i>Arctomecon humilis</i>	E
Virgin Chub	<i>Gila seminuda</i>	E
Woundfin	<i>Plagopterus argentissimus</i>	E
Relict Leopard Frog	<i>Rana onca</i>	C Extirpated
Desert Tortoise	<i>Gopherus agassizii</i>	T
Greater Sage-grouse	<i>Centrocercus urophasianus</i>	C
Yellow-billed Cuckoo	<i>Coccyzus americanus</i>	C
Mexican Spotted Owl	<i>Strix occidentalis lucida</i>	T
Southwestern Willow Flycatcher	<i>Empidonax traillii extimus</i>	E
Utah Prairie-dog	<i>Cynomys parvidens</i>	T
Gray Wolf	<i>Canis lupus</i>	E
Brown (Grizzly) Bear	<i>Ursus arctos</i>	T Extirpated

**Wayne County**

<u>Common Name</u>	<u>Scientific Name</u>	<u>Status</u>
Ute Ladies'-tresses	<i>Spiranthes diluvialis</i>	T
Barneby Reed-mustard	<i>Schoenocrambe barnebyi</i>	E
Winkler Pincushion Cactus	<i>Pediocactus winkleri</i>	T
Wright Fishhook Cactus	<i>Sclerocactus wrightiae</i>	E
Last Chance Townsendia	<i>Townsendia aprica</i>	T
San Rafael Cactus	<i>Pediocactus despainii</i>	E
Humpback Chub	<i>Gila cypha</i>	E
Razorback Sucker	<i>Xyrauchen texanus</i>	E
Bonytail	<i>Gila elegans</i>	E
Colorado Pikeminnow	<i>Ptychocheilus lucius</i>	E
Greater Sage-grouse	<i>Centrocercus urophasianus</i>	C

**Wayne County - continued**

<u>Common Name</u>	<u>Scientific Name</u>	<u>Status</u>
Mexican Spotted Owl	<i>Strix occidentalis lucida</i>	T
Yellow-billed Cuckoo	<i>Coccyzus americanus</i>	C
Utah Prairie-dog	<i>Cynomys parvidens</i>	T

**Weber County**

<u>Common Name</u>	<u>Scientific Name</u>	<u>Status</u>
Ute Ladies'-tresses	<i>Spiranthes diluvialis</i>	T
June Sucker	<i>Chasmistes liorus</i>	E
Greater Sage-grouse	<i>Centrocercus urophasianus</i>	C
Yellow-billed Cuckoo	<i>Coccyzus americanus</i>	C
Gray Wolf	<i>Canis lupus</i>	E

**DEFINITIONS****E**

A taxon that is listed by the U.S. Fish and Wildlife Service as "endangered" with the probability of worldwide extinction.

**E Experimental**

An "endangered" taxon that is considered by the U.S. Fish and Wildlife Service to be "experimental and non-essential" in its designated use areas in Utah.

**E, T, or C Extirpated**

An "endangered," "threatened," or "candidate" taxon that is "extirpated" and considered by the U.S. Fish and Wildlife Service to no longer occur in Utah.

**E or T Proposed**

A taxon "proposed" to be listed as "endangered" or "threatened" by the U.S. Fish and Wildlife Service.

**T**

A taxon that is listed by the U.S. Fish and Wildlife Service as "threatened" with becoming endangered.

**C**

A taxon for which the U.S. Fish and Wildlife Service has on file sufficient information on biological vulnerability and threats to justify it being a "candidate" for listing as endangered or threatened.

**Note: Please contact the U.S. Fish and Wildlife Service (801-975-3330) for the purpose of consultation under the Endangered Species Act.**

**NOTICE OF INTENT TO CONDUCT  
MINOR COAL EXPLORATION  
FEDERAL COAL LEASE U-084924**

**APPENDIX 6  
ARCHAEOLOGICAL SURVEYS  
CLASS I AND CLASS III  
AVAILABLE FROM SCOTT BILLATT**

*August, 2012*

*PacifiCorp*